



LANDSCAPE REVIEW

on behalf of

SWALE BOROUGH COUNCIL

in connection with

20/501475/FULL

Land to the rear of Eden Meadows, Newington, Kent, ME9 7JH

"Erection of 20 No residential dwellings and associated car parking, hardstanding, landscaping and open space, infrastructure including SuDs and earthworks accessed from the existing junction serving Eden Meadow from the A2 High Street."

October 2021

<p>Date of Issue: 20/10/2021 Status/Revision Rev D File ref: 841/reports/841 DRAFT</p> <p>Checked: NB. Approved DH.</p>

Huskinson Brown Associates 17 Upper Grosvenor Road Tunbridge Wells Kent TN1 2DU
tel: 01892 527828 email: office@huskinsonbrown.co.uk www.huskinsonbrown.co.uk
Huskinson Brown Associates is the trading name for David Huskinson Associates Ltd. Registered in England No 2707093 Registered Office as above
Registered Practice of the Landscape Institute and member of the Institute of Environmental Management and Assessment

LANDSCAPE REVIEW
Application Ref 20/501475/FULL - Land to the rear of Eden Meadows, Newington, Kent, ME9 7JH.

APPENDIX 6

1 INTRODUCTION

1.1 Huskisson Brown Associates (HBA) is a firm of Chartered Landscape Architects, established in 1987 and registered since then with the Landscape Institute. HBA has been a member of the Institute of Environmental Management and Assessment since 1992.

1.2 The practice has undertaken a range of landscape and visual assessment work for many clients including public bodies, private companies and individuals.

1.3 HBA has previously been retained by Swale Borough Council (SBC) to advise on landscape and visual matters in connection with the preparatory work for the SBC "Bearing Fruits 2031" Local Plan, adopted in July 2017. HBA has also given development management advice to SBC in respect of several individual applications including, most recently at the Kent Science Park and a proposed housing development at Minster.

1.4 In June 2020 HBA was retained by SBC to carry out a high level review of the landscape and visual components of application reference 20/501475/FULL, Land to the rear of Eden Meadows, Newington, Kent, ME9 7JH. At that time, the permission sought the:

"Erection of 40 No residential dwellings including affordable housing and associated car parking, hardstanding, landscaping and open space, infrastructure including SuDs and earthworks accessed from the existing junction serving Eden Meadow from the A2 High Street."

1.5 This proposal raised several concerns, including heritage, landscape and visual matters, the landscape and visual matters being reported in HBA Landscape Review Rev B of June 2020. Resulting from these and other concerns, the applicant has submitted several variations of the scheme for discussion and comment from the LPA, including an initial reduction to a 35 unit scheme.

1.6 A further revised proposal was made in March 2021 including Sketch Layout 2354B/SK98.1 Rev C which was the subject of HBA review Rev C issued in April 2021.

1.7 Further minor modifications were made in May and this review acknowledges that information which was recorded in the applicant's accompanying letter of 17th May 2021 which gave a summary of the minor architectural revisions and some landscape changes that included:

- *Relocated SuDS/Attenuation Basin and layout reflecting car barn alignments;*
- *Provision of knee-high timber post fencing along outside of the perimeter road (on the east and south, where in proximity to the meadow grassland areas) – preventing parking trespass;*
- *Amended the perimeter street surface to a herringbone block paving textured finish. Exact material to be dealt with via condition;*
- *Inclusion of additional street trees on the northern shoulder of the eastern perimeter road;*

LANDSCAPE REVIEW

Application Ref 20/501475/FULL - Land to the rear of Eden Meadows, Newington, Kent, ME9 7JH.

APPENDIX 6

- *One tree per rear garden provided; and*
 - *Change to the species mix, removing ornamental planting/shrubs and replacing with native shrub/hedges, while ornamental feature trees replaced with an older Kent fruiting variety (Victoria apple tree).*
- 1.8 The May amendments were reviewed by HBA, in particular the:
- *Landscape Strategy Plan with Schedule Rev J;*
 - *Landscape Strategy Principles Document Rev C; and*
 - *Landscape Biodiversity Management Strategy Rev 1.7 (incorporating LMZ and Illustrative Strategy).*
- 1.9 The amendments were considered to have responded in part to some of the comments HBA had made previously.
- 1.10 HBA advised that in the event that SBC considers the overall planning balance suggests that planning permission should be granted, the amendments could be supported subject to suitable conditions, one of which should secure the long term management and maintenance of the site in accordance with the submitted landscape and biodiversity strategy.
- 1.11 However, HBA noted that, in the event that planning permission is granted, there would inevitably be a residual degree of localised landscape and visual harm arising from the development which essentially encroaches into open countryside, contrary to the established pattern of development along this part of the A2 and, on this basis, the scheme was not supported.
- 1.12 The revised proposal is for the:
- “Erection of 20 No residential dwellings and associated car parking, hardstanding, landscaping and open space, infrastructure including SuDs and earthworks accessed from the existing junction serving Eden Meadow from the A2 High Street.”*
- 1.13 The primary application document of relevance to this review is the Landscape and Visual Impact Assessment (LVIA) (ref 27915/A5/2020 Rev V2.1) prepared by Barton Willmore, resubmitted with the March amendments.
- 1.14 This document is very largely the same as previously submitted with the original larger scheme and therefore we do not repeat all the points made previously in our first review which should be referred to by way of background.
- 1.15 As noted above we, also acknowledge the updated Illustrative Landscape Strategy Plan (Figure 6) (LN-LP-10 Rev J) and the Landscape and Biodiversity Management Strategy (Rev v1.7), also prepared by Barton Willmore.
- 1.16 In addition to the LVIA, HBA have also referred to the Site Layout Plan (23254B/SK99 L)

APPENDIX 6

and Site Sections AA- CC (23254B/200 H and an Addendum Design and Access Statement (DAS), all by Clague Architects.

- 1.17 In addition, the following documents and sources are relevant and most are referenced in the LVIA:
- National Planning Policy Framework (NPPF);
 - National Character Area (NCA) North Kent Plain NCA 113 published by Natural England;
 - Swale Borough Council 'Bearing Fruits' 2031 Local Plan, adopted 26th July 2017;
 - Swale Borough Council 'Swale Landscape Sensitivity Assessment 2019;
 - The Landscape Assessment of Kent (Oct 2004);
 - Swale Landscape Character and Biodiversity Assessment and Guidelines SPD (2011);
 - MAGIC website;
 - Historic England website;
 - Historic Ordnance Survey and Google Map Aerial mapping;
 - LI Technical Information Note (TIN 01/21); and
 - Guidelines for Landscape and Visual Impact Assessment, (GLVIA3), April 2013 by the Landscape Institute and the Institute of Environmental Management and Assessment.
- 1.18 HBA's historic knowledge of the characteristics of the locality gained in connection with the Bearing Fruits Local Plan included several visits to the area and HBA's input to the appeals at Pond Farm, Newington.
- 1.19 A site visit was carried out on 29th May 2020 in connection with the original proposal for 40 units. No further visits have been carried out for the purposes of the subsequent further reviews.
- 1.20 This review should be read in conjunction with HBA's earlier reviews.

APPENDIX 6

2 PROPOSED DEVELOPMENT SITE

- 2.1 The site is located to the east of Newington on the south side of the A2 High Street. It lies outside the built up area of development in the open countryside. It extends to about 1.53 hectares. It would be accessed via the recently completed development on Eden Meadows, an unadopted road that has a junction on the A2.
- 2.2 The site is currently a grassed open field with a small hardstanding located in the northern part of the site close to the boundary with Eden Meadows. The site is roughly rectangular in shape and has a rectangular extension at the south east corner projecting to the south.
- 2.3 The site rises to the south, more steeply to the eastern side than to the west with the western portion forming part of a shallow spur which gives a local irregularity and interest to the landform. The centre of the site lies at about 35m Above Ordnance Datum (AOD), the southern boundary rising to 38m AOD.
- 2.4 The southern boundary is marked by a post and wire fence whilst hedgerows and some scrub are located to the east and west. The northern boundary mainly abuts the Eden Meadows development. Further areas of open countryside abut the site's western, southern and eastern boundaries.
- 2.5 The site and the immediately adjacent open countryside is not protected in terms of its landscape attributes by designation at either national or local level and is unencumbered by the presence of any public Rights of Way, although there is a quite comprehensive network of PROW's in the locality, some of which provide views of the site.

The submitted Landscape and Visual Impact Assessment

- 2.6 The LVIA is considered to be compliant with the generic guidance set out in GLVIA3 and is generally well written. Inevitably there are points where the opinions expressed could be open to question and the transparency of the link between the LVIA text, the methodology and the assessment appendices is poor. We remain of the view that some of its findings are unjustified / unsubstantiated. The LVIA remains over lengthy, containing much information that would have been better placed in appendices and the duplication of various landscape strategy plans is unnecessary and confusing.

LVIA Section 2

- 2.7 Section 2 of the LVIA addresses the site, its local context and setting and the landscape character of the area. It does this by referencing the appropriate character studies at National, County and Borough level giving very lengthy excerpts from the published documentation.
- 2.8 We previously questioned the assertion repeated at 2.11 where it is stated "*whilst the site is beyond Newington's defined built up area it is evidently part of the existing settlement pattern which extends along the A2 and up to the 45m AOD contour....*" In our opinion this is a

LANDSCAPE REVIEW

Application Ref 20/501475/FULL - Land to the rear of Eden Meadows, Newington, Kent, ME9 7JH.

APPENDIX 6

substantial misrepresentation. The site forms part of the irregularly shaped hinterland providing the countryside setting to this part of Newington and forms no more or less of the settlement pattern than any open countryside does at the edge of a settlement.

- 2.9 The LVIA references the Swale Landscape Sensitivity Assessment 2019 and notes that the site lies in Area NN2, this area being the same in geographic terms as the Newington Arable Famlands LCA. The Swale Landscape Sensitivity Assessment records a moderate overall sensitivity to residential development in Area NN2, reported in the LVIA at paragraph 2.29. This paragraph then gives an extract of the Swale Landscape Sensitivity Assessment that is suggested relates to the vicinity of the site that states:

“There may be an area of slightly lower sensitivity is (sic) association with the A2 and existing development on the lower land at Keycol providing any further development does not further impinge on the settlement gap between Keycol and Newington or create a more continuous urban frontage along the A2.”

- 2.10 We do not believe that this applies to the site or its immediate setting. Keycol lies some way to the east of the site. On the contrary, if it does, the use of the word “may” suggests that further detailed study would be needed to support the possibility being raised. In this regard we note that in the conclusion of the LVIA, paragraph 8.4 states:

“The finer grain of detail provided in area NN2 acknowledges that the locality of the Site is of lower sensitivity to residential development.”

- 2.11 This is patently not what the Swale Landscape Assessment says. Indeed, in its description of the character and setting of the settlement for NN2, the Swale Landscape Sensitivity Assessment 2019 notes that:

“Newington is enclosed by vegetation and residential properties are inward facing. Occasional glimpses of the landscape are visible behind properties, and these provide an open and rural setting to Newington particularly on the approach along the A2.”

- 2.12 This does not suggest a location that is of a lower sensitivity. The proposal would reduce this open and rural perception, already partly eroded by the existing Eden Meadows development.

LVIA Section 3

- 2.13 Section 3 of the LVIA addresses Planning Policy, again giving lengthy excerpts, and concludes with a reference to the Appeal Decision relating to the adjacent development on Eden Meadows, PINS ref APP/V2255/W/16/3162806. This appears to be referenced as being implicitly supportive of the application.
- 2.14 We do not agree that the Inspector’s findings in relation to the appeal site extend to the application site, both on account of the higher and rising levels of the application site and that it is not frontage development along the A2, essentially flanked by development to the

LANDSCAPE REVIEW

Application Ref 20/501475/FULL - Land to the rear of Eden Meadows, Newington, Kent, ME9 7JH.

APPENDIX 6

east and west.

- 2.15 Furthermore, the Inspector's recommendation that it would be possible to provide structural landscape along the site boundaries has patently not been complied with, this being proposed by the Inspector so as

"to provide a degree of visual containment thus helping to reduce the impact of the development on the landscape...".

- 2.16 By extension, to develop further south on higher land, as the application proposes, there must inevitably be further impact on the landscape. The LVIA does not address what appears to be a conflict between what the Inspector seemed to be visualising and the present proposal.

LVIA Section 4

- 2.17 Section 4 of the LVIA sets out the Site Appraisal of the baseline landscape. It does this by reference to four appraisal photographs taken from the corners of the site with each being described and with reference being made to the supporting Appendix A.2 in relation to landscape effects.
- 2.18 We consider that whilst the 4 appraisal photographs are helpful in showing the physical characteristics of the site, they fail to properly record the immediately surrounding context that needs to be considered in forming a balanced assessment of the landscape value and the landscape susceptibility of the site. These are matters that are set out in the LVIA at paragraphs 4.6 and 4.7 and are the heart of the assessment of the baseline landscape.
- 2.19 Paragraph 4.6 states that site has been ranked as of low landscape value. The justification for this is set out in six bullet points. The LVIA methodology, paragraph 1.14 of Appendix A 1, sets out guidance that appears to be partly based on GLVIA3 Box 5.1 of factors that can contribute to value, but without referencing landscape condition which GLVIA3 includes.
- 2.20 Landscape condition (or landscape quality) is defined in the GLVIA3 glossary as being:
- "A measure of the physical state of the landscape. It may include the extent to which typical character is represented in individual areas, the intactness of the landscape and the condition of individual elements."*
- 2.21 Paragraph 4.6 notes that the site is an undesignated landscape, seemingly marking it down accordingly. We consider there is a lack of consideration of the part the application site plays in contributing to the wider landscape setting to this edge of Newington and to the subtlety of the landform and how this ties in to the locally typically characteristic undulating landscape.
- 2.22 The bullet points at paragraph 4.6 appear to place an overemphasis on detracting features such as palisade fence and the adjacent residential development. Such features would not be unusual in any edge of settlement site.

LANDSCAPE REVIEW

Application Ref 20/501475/FULL - Land to the rear of Eden Meadows, Newington, Kent, ME9 7JH.

APPENDIX 6

- 2.23 We consider that the low landscape value recorded in the LVIA is not adequately substantiated, has not fully taken account of the sorts of factors GLVIA3 advises may need to be considered and is thus open to question.
- 2.24 LVIA paragraph 4.7 addresses landscape susceptibility which has also been ranked as low. Four bullet points are given to support this assertion, but for the reasons set out in the earlier reviews, we see little merit in them.
- 2.25 General concern about the ranking of susceptibility being too often “over influenced” by a site’s location at the urban edge was raised recently in the Landscape Institute’s Webinar “GLVIA Misconceptions and Best Practice” held in December 2020 and summarised in LI Technical Information Note (TIN 01/21) “GLVIA webinar Q&As” released on 22nd April 2021.
- 2.26 In this case the principal factor that could be argued to reduce the site’s susceptibility to some degree is its proximity to the settlement edge, but this is inevitable in a site at the urban edge and is very frequently a prerequisite for a greenfield site being considered for development. If this factor is considered to “trump” all other considerations, susceptibility becomes virtually meaningless. It has to be taken into account in a balanced and proportional way.
- 2.27 LI Technical Information Note (TIN 01/21) records this situation at question 19. Question / Comment 19 states:
- “Susceptibility is widely abused. Too many LVIA’s conclude that just because a green field site is adjacent to a settlement it must automatically follow that more housing must be acceptable due to this context – this is classic ‘salami slicing’ and clearly unsustainable.”*
- 2.28 The Panel response states:
- “The Panel shares this concern but it is not the result of GLVIA. It is the result of potentially being biased in the assessment and it may show that reasonable and minimum professional standards are not being met. The Landscape Institute’s GLVIA Panel is considering how to improve standards.*
- Also note that identifying ‘acceptability’ is not the purpose of an LVIA (that is for the decision maker to determine).*
- In some cases, the ‘value’ aspect of the sensitivity equation is underplayed. Ensuring that this is dealt with appropriately may help.”*
- 2.29 In our opinion, some of the concerns noted by the Panel are relevant in this instance and have “over influenced” the LVIA assessment. We consider the low landscape susceptibility recorded in the LVIA is wrong. As a starting point we would have suggested that the susceptibility of an essentially green field site to development is likely to be high, this ranking being reduced to a degree by a careful and balanced review of the site’s context and some of the issues noted in the LVIA.

APPENDIX 6

- 2.30 At paragraph 4.8, the LVIA concludes that on account of both the low landscape value and low landscape susceptibility, the site is of low landscape sensitivity. Clearly, as we have noted, the LVIA ranking of low value is open to question and we consider the low ranking of susceptibility to be wrong. Thus, the LVIA's ranking of landscape sensitivity as being low, this being derived from the consideration of both value and susceptibility, is, in our opinion, an under evaluation.

LVIA Section 5

- 2.31 The baseline Visual Appraisal is set out in Section 5. It is recorded that the scope of the visual assessment was agreed with SBC.
- 2.32 The assessment utilises 17 site context photographs. Of these, approximately half show views towards the site which would be screened by landform, vegetation or built form. Direct open views of the site are limited, and most views are from a southerly arc. Additionally, the site is in view from the A2 frontage at Eden Meadows and from PRoWs to the north.

LVIA Section 6

- 2.33 Section 6 is entitled Consideration of the Proposed Development but sets out a brief description of the built form that is proposed and then turns to describe the proposed landscape strategy. The landscape strategy text is supported by LVIA Figure 6 - Illustrative Landscape Strategy Plan.

- 2.34 Paragraph 6.5 states that a:

"strong landscape led approach to the proposed development will ensure that it is successfully integrated into the landscape and that it responds positively to the recommendations of the relevant published landscape character assessments..."

- 2.35 We acknowledge that the current proposal now exhibits some of the features of a landscape led approach, features that were wholly absent from the original scheme. For example, the previous layout encroached far too close to existing open countryside boundaries / hedgerows. This has been rectified to some extent, although the western boundary remains a particularly concerning pinch point and now also encroached into by the repositioned infiltration basin that the plans show will need to have levels reduced within the perimeter landscape buffer area. In any event, a landscape led approach does not mean that a development proposal is acceptable, rather that it should be expected to be somewhat less harmful than otherwise might have been the case. In this instance it does not lessen the physical encroachment into the open countryside nor deliver a better relationship to the existing urban grain.

- 2.36 The curvilinear form of the existing Eden Meadows access road would not be replicated, although some effort has been made to introduce variety by the use of what the DAS describes as 'informal road geometries'. However, some of these features would have the effect of creating rather awkward dog legs or 'kinks' in the proposed road layout that, when

LANDSCAPE REVIEW

Application Ref 20/501475/FULL - Land to the rear of Eden Meadows, Newington, Kent, ME9 7JH.

APPENDIX 6

seen on the ground, could be almost akin to setting out errors and, on plan, appears rather forced and unnatural. It is recommended that this aspect should be adjusted in the event that permission is granted.

- 2.37 It is claimed that there would be a view through the central 'lane' of the development. This appears to be more theoretical than a design feature that would be meaningfully appreciated on the ground. In essence, the development would give the appearance of a solidly built out southern horizon in the axial view along Eden Meadows from the A2, not supportive of a proper landscape led approach.
- 2.38 We have a concern about the informal circular path in the landscape perimeter although we acknowledge the adjustment made on the northern side. This erodes the buffer area, lacks connection points to the road, made more awkward by the knee rail now proposed to assist with parking control, and would give rise to very narrow tapering areas of soft finish that could be prone to trampling and establishment problems. Whilst its purpose appears to be largely as a trim trail, we question why these features could not be accessed direct from the main circulation route. Some of our previous concerns about how parking in the area on the outside of the perimeter road, proposed to be meadow, is to be prevented have now been addressed, but parking would still remain a potential problem along the western boundary where the abutting footpath would be prone to being obstructed by parking.
- 2.39 Whilst we do not suggest the aims of the landscape strategy are inappropriate, we note that bullet points 2 and 3 (LVIA para 6.4) appear to be essentially the same, they are largely generic.
- 2.40 We did not note any reference or explanation in the LVIA to the Landscape and Biodiversity Management Strategy. It would have been helpful for there to be some cross referencing between the objectives noted in the LVIA.
- 2.41 There remains a lack of clarity in the presentation of some of the landscape strategy information. The relationship between this and the Landscape and Biodiversity Management Strategy does not appear to be explained and both seem to contain some similar information.
- 2.42 In any event, should planning permission be granted, the presently proposed planting strategy should be subject to clarification and amendment to address, in particular, the proposed buffer planting and boundary treatments which are still not supported in their current form, although we note some changes have been made. Similarly, the appropriateness of the proposed acid grassland mix should be questioned.
- 2.43 We also note that additional trees have been introduced into rear gardens, one per garden. We remain of the view that these should be discounted from the assessment of landscape and visual effects due to the problems of ensuring their appropriate maintenance for the long term. Hedges are shown as rear garden boundaries but, again, these cannot be secured for the longer term.
- 2.44 At paragraph 131, the most recent iteration of the NPPF (July 2021) advocates that planning

LANDSCAPE REVIEW

Application Ref 20/501475/FULL - Land to the rear of Eden Meadows, Newington, Kent, ME9 7JH.

APPENDIX 6

policies and decisions should ensure that new streets are tree-lined. Whilst the perimeter of the site could be provided with tree cover as part of the proposed mitigation strategy delivered by the landscape buffer, the "inside" streetscape of the development is not considered to be well tree-lined. It is not clear if this could be satisfactorily rectified without an increased depth to the front garden strips which would have consequential effects on the access road alignment and the buffer strip.

LVIA Section 7

- 2.45 Section 7 discusses the likely landscape and visual effects, more details of which are contained in LVIA Appendices A.2 and A.3.
- 2.46 Paragraph 7.6 concludes that: *"On balance the proposed development is considered to represent an improvement in terms of landscape features and landscape character, responding positively to the stated aims of the relevant published characterisations and design guidance"*.
- 2.47 This conclusion appears to be drawn from LVIA Appendix 2 entries that record a *"moderate beneficial effect"* in terms of vegetation as a landscape feature (Year 15) and a *"minor beneficial effect"* on the Newington NN2 Area (Year 15).
- 2.48 Appendix A.3 - Visual Effects contains separate entries for the 17 site context photographs. The predicted effects at are unchanged from the previous scheme. Out of all 17 views, 13 are recorded as having a neutral significance of effect both at Year 1 and at Year 15.
- 2.49 Lighting impacts are not assessed in the LVIA.
- 2.50 Other than for those LVIA findings we explicitly agreed with previously, we remain of the opinion previously reported in relation to the assessments findings and do not therefore agree with the general thrust that effects would be likely to be beneficial or even neutral.

APPENDIX 6

3 SUMMARY AND CONCLUSION

3.1 A high level review of the LVIA and other documents submitted in June 2020 in relation to the original application 20/501475/FULL, Land to the rear of Eden Meadows, Newington, Kent, ME9 7JH was not supportive of the proposal for 40 units.

3.2 Since then, the applicant has revised the scheme although the fundamental encroachment of built form into the open countryside beyond the existing settlement boundary would essentially be the same as for the original larger scheme.

3.3 The application now seeks permission for the:

“Erection of 20 No residential dwellings and associated car parking, hardstanding, landscaping and open space, infrastructure including SuDs and earthworks accessed from the existing junction serving Eden Meadow from the A2 High Street.”

3.4 The application site lies outside the built up area boundary in the open countryside that is undesignated in terms of its intrinsic landscape and visual attributes.

3.5 The review has found that whilst the revised LVIA is broadly compatible with the general guidance in terms of content, extent and coverage as recommended by GLVIA3, it is very largely unchanged from the original version and thus there remain areas where its findings are considered to be open to question as reported in HBA’s earlier reviews.

3.6 We consider that overall, the development now proposed, whilst modified to some degree from what was previously proposed, would still give rise to localised landscape and visual harm and would result in a clear encroachment into the open countryside which abuts it on three sides.

3.7 It would thus not be sympathetic to the existing established settlement pattern in the locality further eroding the open and rural setting to Newington along the A2.

3.8 We therefore consider that it would be in conflict with Part C of Policy DM 24 ‘Conserving and enhancing valued landscapes’. This states:

“The value, character, amenity and tranquillity of the Borough’s landscapes will be protected, enhanced and, where appropriate, managed.

Part C. For all landscapes:

1) The scale, layout, build and landscape design of development will be informed by landscape and visual impact assessment having regard to the Council’s Urban Extension Landscape Capacity Study and Landscape Character and Biodiversity Appraisal SPD, including, as appropriate, their guidelines, and the key characteristics, sensitivity, condition and capacity of character area(s)/landscapes, taking opportunities to enhance the landscape where possible, including the removal of visually intrusive features.”

LANDSCAPE REVIEW

Application Ref 20/501475/FULL - Land to the rear of Eden Meadows, Newington, Kent, ME9 7JH.

APPENDIX 6

- 3.9 From the landscape and visual perspective, we conclude that the application should not be supported.