

Application: 22/505618/FULL Land At School Lane, Newington ME9 7JU  
Proposal: Erection of 25no. residential dwellings with enhanced renewable energy features and the provision of a 20 space staff car park and 20 space pupil pick-up/drop-off area for Newington C of E Primary School, together with associated access, landscaping, drainage and infrastructure works (Resubmission of 21/504028/FULL)

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20 February 2023.

Newington Parish Council objects to this application.

We note that the previous application

Application: 21/504028/FULL Land At School Lane, Newington ME9 7JU

Proposal: Erection of 25no. residential dwellings and the provision of a 20 space staff car park and 20 space pupil pick-up/drop-off area for Newington C of E Primary School, together with associated access, landscaping, drainage and infrastructure works.

Application validated: Friday 13 August 2021

was refused at Swale Borough Council Planning Committee on Thursday 13 October 2022.

The decision notice issued on Monday 17 October 2022 stated

(1) The proposed development would represent unjustified and unnecessary residential development within the countryside resulting in an urbanising impact, outside of the defined built-up area boundary, in a manner which is significantly and demonstrably harmful to the character, appearance, and intrinsic amenity value of the countryside. The proposal is therefore contrary to policies ST1, ST3, ST5, CP4, DM14, DM24, and DM26 of Bearing Fruits 2031 - The Swale Borough Local Plan 2017; and the National Planning Policy Framework.

(2) In the absence of a completed S106 agreement to secure relevant contributions and obligations, the development fails to mitigate the impacts of the additional residential units on local services and infrastructure, fails to secure the provision of affordable housing, and fails to mitigate ecological impacts on the Swale and Medway Estuary Special Protection Areas and Ramsar sites, contrary to policies DM6, DM8, CP5, CP6, CP7, DM17 and DM28 of "Bearing Fruits" - The Swale Borough Local Plan 2017. Such contributions being required towards the following infrastructure - Highways, Air Quality, Primary Education, Secondary Education, Special Education Needs, Community Learning, Youth Services, Library Bookstock, Social Care, Waste, refuse bin provision, healthcare (NHS), Swale SPA and Ramsar Sites, open space and off site sport and recreation.

This application was not considered to comply with the provisions of the Development Plan and NPPF.

We understand the applicant has appealed the decision (notified on Wednesday 12 October 2022 and was a tabled document at the 13 October meeting)

In email correspondence with Newington Parish Council on 19 December, Fernham Homes gave the explanation:

The reason for this new application is because Fernham Homes recognise that there has been a substantial change in the planning policy context as compared to that which existed at the time of the Planning Committee and the refusal of the previous application, namely Swale Borough Council's decision to suspend work on its Local Plan, for around 18 months. This suspension will significantly delay the identification and allocation of housing in the borough – at a time when Swale Borough Council cannot identify a five-year supply of housing.

The proposals that are included within this new application do not differ from those of the last application except for the alterations that were made to the scheme, through the life of the previous application, in response to each of the statutory consultee's comments.

The changes include:

1. Addition of footpath down western side of spine road.
2. Revise school carpark/drop-off entrance and exit.
3. Additional parking provision on site.
4. Confirmation of extent and detail of off-site highways works.
5. Re-orientation of plots 23-25.
6. Re-colouring of meter boxes on dwellings.

In addition, this new application includes enhanced renewable energy features on all dwellings.

We have made contact at this stage to seek to be helpful in providing an overview of the changes and assist in reducing time to go through the application documents for what is an unaltered application

As the applicant describes this as ‘an unaltered application’ our comments are mostly unchanged from those submitted in September 2021; December 2021 to accompany a report from the University of Kent Health Service Studies; with further comments in September 2022 from Railton Transport Planning Consultancy.

Swale Borough Council’s letter to the planning inspectorate, dated 7 December 2022 states:

The primary reason relates to the urbanising impact of the proposed development outside of the defined built-up area boundary.

This is the crux of Newington Parish Council’s objection; all other concerns stem from it: air quality and transport. We believe the ‘tilted balance’ makes the small shortfall in five-year supply of housing irrelevant.

- a) The ‘built-up area’ policy of the local planning authority would be carried forward into any future local plan – which means this part of the plan cannot be seen as ‘out-of-date’, reinforced by the reasons given for refusal of the original application. This should be awarded greater weight against the tilted balance in paragraph 11d of the NPPF.
- b) Swale’s 5 year housing supply is currently 4.83, ie very close, which should mean paragraph 11d of the NPPF should be afforded little weight

Our submission, as before, 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 False justification given for this proposal

The proposal for 25 homes is predicated on the supposed need for a new permanent drop-off zone and some additional parking at Newington CP School. This could be met by a permanent arrangement for use of the land currently enjoyed for this purpose.

### The applicant’s Design and Access Statement

The ‘School drop-off and parking area of the proposal is the focal element of the scheme. Newington Church of England Primary School (Newington CEPS) currently have a short term lease arrangement, expiring in June 2022, to use the land off of School Lane as a temporary staff parking and drop off zone. The parking / drop off area is needed because the existing school grounds are constrained and do not provide sufficient car parking for staff nor allow a safe zone for parents to drop off their children.

There are 21 parking spaces on the spacious school site with a total 42 teaching and support staff in the school and adjacent Cherries pre-school.

Prior to the temporary parking/drop off area being provided, during peak times the roads easily became congested, causing tension between parents, increased pollution due to idling cars and increased safety risks.

This temporary site was originally farmland, repurposed with a hard surface for construction vehicles and then as a car park for the portacabin sales office when the landowner sold the land opposite for the construction of 14 homes as Blaxland Grange. Through Members’ grants the School was able to construct a secure pedestrian route from school to this land. It is our understanding that no planning application was made for change of use of the land from agriculture to contractor hardstanding/ school use and that the land is currently registered still listed as for agricultural use.

There was much disappointment when the landowner cut down the ancient hedgerows bordering the north side of the application site shortly before any decision was made on the original application; this showed a disregard for the rural environment and planning regulations.

Although an improvement from the existing school site, the temporary parking/drop off area does not meet the full requirements of the school.

The current area is probably sufficient for 20 additional staff car parking spaces, and two or three spaces of off-road short-stay parking for visitors during the day as well as a drop-off zone for blue badge holders, taxis and parents. Like most schools Newington CEP has a policy of no vehicle movements on the school site at the beginning and end of the school day.

It should be noted that although the school has 42 staff on the payroll, this includes all roles and it is never the case that all are on-site at the same time (eg part-time staff; lunchtime catering staff; after school cleaners). Also, some staff walk or cycle, some car-share and some use public transport. It is clear that the applicant has over-estimated the need.

The facility will be delivered through a freehold transfer in perpetuity to Kent County Council which can be secured by way of planning obligation.

If the landowner intends to deliver a freehold transfer in perpetuity to KCC, surely it would be appropriate to proceed with that immediately rather than continue with short-term agreements. This should have no bearing on the current application if the landowners intentions are true.

The 'consultation' with parents of Newington School pupils had a fairly high response rate due to the fact that it was sent by the School (roll 200 in the summer term, 120 families consulted, 54% response rate) but the question was:

*'Following the successful establishment of the drop off zone, we wanted you to know that the current arrangement is up for review. Under a new scenario, and with enough support, we would potentially be provided with a fully tarmacked and fit for purpose car park, drop off zone and paved path in to school. This would be provided in perpetuity by a community contribution from a Developer as part of a potential housing development adjacent. Please complete and submit the form below so your voice can be heard and will be considered in any future developments. Kind regards, Newington CEP School'*

Of the 120 families 55 did not respond and 56 said they would use the drop-off area. Their support was for this facility – not for a development of 24 homes. We note that the survey was carried out in April 2021 for the previous application; there has been no subsequent consultation with parents since, regarding the revised application.

Currently visitors park on the road or use the parish church car park 300 metres away.

## 2 The location of the proposed development

It is hard to envisage a less-suitable site for a housing development.

The proposed site is at the junction of School Lane with Bricklands (known locally at Mill Hill or 'the road with no name'!)

Church Lane is an ancient highway and the only road to the north of the A2. As such it serves as access and egress for its residents and those using the roads leading from it. As well as being narrow, Church Lane offers the only parking for most of the 135 houses either side of the road and for some of the properties on the A2. Whilst just manageable at some times of the day, Church Lane often comes to a standstill at the start and end of the school day. As most of the Village population live South of the A2, parents choose to drive, often backing-up along the A2 until there is space to enter Church Lane.

There are three roads off Church Lane: St Mary's View, Vicarage Court and Denham Close. The former was the subject of an earlier unsuccessful planning application for extension in 2015 with the planning appeal dismissed in March 2017 (see below)

At its northern end Church Lane divides west to School Lane, north via Wardwell Lane, a narrow route to Lower Halstow; and East becoming Iwade Road / High Oak Hill towards the much-enlarged Iwade, many residents of which use it as 'rat-run' for the station and towards the Medway Towns.

School Lane stretches only 100 yards before dividing into Bricklands (a single track by-way) and Boxted Lane (again narrow, but with passing points); both lead to Breach Lane.

Boxted Lane floods for much of the year as water flows from adjacent fields. Attempts at alleviation through roadside grips have not been successful. Kent County Council have confirmed that the cost of a modern drainage system would be prohibitive; residents and road users are left with the situation where, on request, floodwater is pumped into tankers when necessary. This has been confirmed as policy by the KCC Cabinet Member for Highways and Transport. The road was flooded during all of January 2023 to a depth of approx. 12 inches and extended approx. 20ft. During the colder periods the flooded area was frozen during the morning period leading to very dangerous conditions leading up to and through the flooded area.

The School has been here since Victorian times; plans to relocate it to a new site, south of the A2, off Playstool Road were dropped 40 years ago due to KCC finances. Some expansion of parking and a drop-off facility are needed. A housing development would make the traffic situation considerably worse. The applicants Transport statement (5.5.6) estimates '117 vehicle trips across the 12 hour weekday period'; we submit that most of these would be at peak times to coincide with the start and end of the school day as well as others from the village and Iwade on their way to and from work.

An unreliable traffic count was undertaken in summer 2016 (end of the school summer term) and an up-to-date one is required for period covering normal term-time school days.

We have an ongoing concern for the safety of children who walk to school and are unconvinced by the applicants proposal in 'Access and Highways' para 3.3.4 of their Planning Statement.

We are relieved that Fernham Homes decided not to proceed with plans to build between Bricklands and Boxted Lane as this would abut the village cemetery – a place of calm, greatly valued by the families of deceased who regularly visit.

We note that the Newington Parish Council was, unusually, formally consulted on a planning application in Bobbing, our neighbouring parish

(Application: 21/500173/FULL Land East Of Hawes Woods, High Oak Hill, Iwade Road, Newington ME9 7HY Proposal: Retrospective application for change of use of land from agricultural to animal rescue including new stock fencing and gates, mobile field shelters, small animal houses, shipping containers for storage, associated boundary treatment and stationing of a mobile caravan for use as a residential unit for staff.)

the officer email: '*The neighbouring Newington and Lower Halstow Parish Councils have been consulted, at the request of the Development Manager, Planning Services, due to potential effect on roads leading to the site*'. This clearly acknowledges a concern about traffic on the rural road network in this vicinity and the cumulative effect of any developments.

The development at Blaxland Grange was the subject of a condition that all construction traffic should reach the site via Iwade Road rather than Church Lane; a further acknowledgment of congestion problems on the narrow Church Lane, as well as the height restriction under the railway bridge.

There are also concerns about sewerage in this part of the village. A complete upgrade of the main sewer running south to Lower Halstow is long overdue and has been consistently postponed due to cost. Currently sewage is stored in underground tanks for pumping outside peak hours. There has been flooding on a number of occasions.

In the original application the applicant referred to this (6.2.11) as a 'currently underdeveloped part of the village'. There is a good reason for the lack of development: the road network is poor and it is outside the defined built up area.

Please see the appended reports Newington Parish Council has commissioned from Railton consulting, This makes clear several errors in the application and gives strong reasons why 'the proposed development is not acceptable in transport and highways terms'.

### 3 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 not part of the 'call for sites' for the Strategic Housing Land Availability Assessment in October 2020
- 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'*.

Therefore this application is contrary to Swale'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:

1. Total already built or granted planning permission in Newington since 2011 is 258. Please see appendix 1 below.
2. 180 properties have been built and an additional 60 granted planning permission since 2014 (total 240). When omitting the windfall allocation from the provision needed to meet the Local Plan target, Newington would be expected to provide 119 properties over the 17-year period. The windfall allocation would be an additional 16 properties between 2020 and 2031 (Total 135).
3. Therefore, Newington has already met 133% of its 17-year quota (177% once properties granted planning permission are built).

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

In reality: the village school is now full. (Planned Admission Number = 210 department for Education official census January 2023 = 210 children on roll); 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 25 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 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

Fernham Homes gave a presentation to Newington Parish Council in June 2021 and were clear that they saw the potential for further development adjacent to this site; this would lead to even more significant loss of agricultural land as well as a seriously detrimental effect on the rural character of the area.

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

There is one planning inspectorate decision (2016) close to this site. We also give detail of three more recent inspectorate decisions 2018-2021 where dismissal of the appeals was due to the proposal being outside the defined built-up area. We quote also from the 2020 decision in a neighbouring village, dismissed on the same grounds.

##### a) Land to East of St Mary’s View, Church Lane,

The closest application for a significant development was Land to East of St Mary’s View, Church Lane, 300 yards from this application. 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 2016

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 2016 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

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.

The Eden Meadow development at Boyces Hill Newington(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.

The three most recent appeals to the planning inspectorate have been rejected on the grounds of being outside the urban boundary. (see: 148 High Street: PINS ref APP/V2255/W/17/3185369; 6 Ellen's Place: PINS ref APP/V2255/W/20/3250073; 132 High Street: PINS ref APP/V2255/W/20/3247555.

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

**b) 148 High Street, Newington (2 appeals)**

An Appeal for 3 homes on a site 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.

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

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.

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

**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

e) Land Off Jubilee Fields, Upchurch

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.

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>

We would also draw attention to the officer report to 9 February 2023 SBC Planning Committee:

3.1 REFERENCE NO - 21/502256/OUT

APPLICATION PROPOSAL Outline Application with all matters reserved to determine the principle of residential development of up to 64 No 3 and 4 Bedroom dwellings of 1 storey, 1 and half storey, 2 storey, and 2 and half storey dwellings with all associated parking, infrastructure and landscape amenity spaces. ADDRESS Land North East Of Nelson Avenue Minster-On-Sea Sheerness Kent

RECOMMENDATION An appeal has been submitted against non-determination of this application (Re f: APP/V2255/W/22/3313783) and it cannot now be formally determined by the Council. ...It is recommended that Members resolve that had the application not been subject to an appeal it would have been refused for the two putative reasons set out at section 10 below.

10. CONCLUSION

10.1 As the Council cannot demonstrate a five year supply of housing , the proposal would fall to be considered under paragraph 11 of the NPPF and a balancing exercise has been undertaken reflective of the above.

10.2 In terms of negative aspects;

- The proposal is, overall, considered to result in localised landscape and visual harm and would result in a clear encroachment into the open countryside.
- The proposal would not re-use Previously Developed Land;
- The above are considered to be significant negatives

10.3 In terms of the positive aspects;

- The provision of up to 64 houses at a time when the Council cannot demonstrate a five year housing land supply;
- The modest positive benefits of improving the economic and social vitality of the area (during construction and through the introduction of new residents);
- Locational sustainability of the site
- Some fringe benefits would arise from some of the S106 financial obligations: only very limited weight would be given to these as S106 payments are there primarily to mitigate the impact of the development.

**10.4 When assessed against para 11 of the NPPF, it is considered that the adverse impacts in terms of conflict with the environmental objectives of the Framework significantly and demonstrably outweigh the benefits of the proposal, even when the extent of the housing deficit is considered.** As a result, I take the view that the proposal would fail to constitute sustainable development. As such, it is recommended that the application is refused.

**10.5 The harm, which significantly and demonstrably outweighs the benefits, cannot be justified by reference to housing supply. Whilst housing is a welcome and clear benefit, there is no policy support for its delivery at the expense of the local context.** The proposal's substantial non-compliance with national and local planning policies is not outweighed by housing delivery considerations. Therefore, if an

appeal against non-determination had not been submitted to the Planning Inspectorate, then I would have been minded to recommend that the proposal be refused for the reasons set out below

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.

## 5 Newington Air Quality Management Area

Most traffic from the proposed development would access the A2 via Church Lane and enter the Newington Air Quality Management area. This would undeniably have a cumulative effect on pollution and the health of residents of our village. The 124 homes recently completed at Watling Place already increases problems of air quality in Newington - 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 2016 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)’

25 homes may seem a modest proposal – but 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.

The Planning Statement in the original application dealt with the topic in two paragraphs (5.6.1 and 5.6.2); the latter states:

‘Based on the assessment results, air quality is not considered a constraint to planning consent and the proposed development is considered suitable for residential use’

a) We are unsure what, if any, data has been used to arrive at the conclusion that the site is suitable. Given the date of the reports we think it important to remember that 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.

The assessment omits the KCC approved application to extract brick earth at Paradise Farm and to transport through Newington to their factory in Sittingbourne which predicts 85 HGV movements per day (KCC/SW/0277 Table 2:1 Forecast HGV Movements Wardell Armstrong Traffic Management Plan for Wienerberger Ltd).

b) Air Quality Management Area in Newington.

Newington Parish Council is working with MidKent Environmental Services and new, more accurate (PM10 and PM 2.5) monitoring equipment has 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. We note that the submitted Air Quality assessment proposes no significant mitigation measures.

c) 20mph speed limit in the village centre and for all roads leading from and to it. Following consultation with residents Newington Parish Council has worked with Kent County Council concerning traffic issues in the village. As a result Newington became a 20mph speed limit zone in March 2022.

d) Air quality concerns immediately East of Newington

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

declaration of an AQMA in the Keycol Hill area 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 300 yards and 2 miles west and the proposal for a new AQMA 1 mile to the east.

e) 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.

f) 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.

As well as this planning inspectorate decision we cite the Planet Earth decision and the Coroner verdict following the tragic death of Ella Adoo-Kissi-Debrah in Lewisham. We wish to protect the health of residents, especially young children and vulnerable elderly in our village. As the effect of air-quality is given such scant consideration in the applicant's documents we note there are proposed measures that offer real mitigation against the effect of the 25 additional houses.

g) Conditions recommended on a current planning application in Newington  
We note that for the planning application for 10 dwellings (20/505059/FULL: Willow Trees, 111 High Street, Newington ME9 7JJ recently approved (8 December 20225 ) by SBC planning committee, 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.

We are puzzled why there are no similar comments on this larger planning application a few hundred yards north- west of the High Street site above.

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

**In the Planning Statement for the original application**

5.6.1 Air Quality The site is located within the vicinity of an area designated by Swale Borough Council as experiencing elevated pollutant concentrations. Subsequently, there is potential to introduce future site users into an area of poor air quality as well as to cause air quality impacts at nearby sensitive locations.

5.6.2 Based on the assessment results, air quality is not considered a constraint to planning consent,

**And in the revised statement for this application**

We note that the Air Quality Assessment produced by Lustre Consulting is dated January 2022. As well as being dated there are several errors. eg

2.9 The Council has declared a number of AQMAs with the nearest being located along the A2 High Street in Newington. The AQMA lies to the east and west of the access road to the proposed development and has been declared for annual mean NO2 emissions from road transport. It is understood that Keycol Hill, to the east of the existing Newington AQMA will also be declared an AQMA

In fact the Keycol Hill AQMA was declared in October 2020

Newington AQMA also measures PM10 and PM2.5 through the Newington 4 station (ZW10) added in 2021.

6.14 The total damage cost is £13,000 over five years from 2019. This is an estimate of the costs to society due to the impact of increases in emissions associated with the proposed development. We find this cynical. £13,000 does nothing to prevent harm to local residents through pollution, nor does it provide anything tangible to prevent increased pollution in our village centre.

Newington Parish Council has commissioned an independent report from the University of Kent Centre for Health Service Studies to examine the air quality assessment produced on behalf of the applicant by Lustre Consulting (Planning portal dated 25 November 2023; report dated January 2022)

In summary the report says:

2.4 4. The initial model presented in the AQA is extremely poor and is not suitable for the subsequent scaling adjustment applied. The results presented therefore cannot be considered representative or reliable.

3.15. 15. Given that the initial model isn't suitable, the final results should not be considered so.

***University of Kent Centre for Health Service Studies had previously commented on the air quality assessment that formed part of the 2021 planning application.***

4.3.1. Consideration of committed development is incomplete

72. The AQA for School Lane [3] does not include 20/505059/FULL (Willow Trees), Eden Meadow (20/501475/FULL), or 21/505722/OUT (128 High Street) as part of the proposed development scenario.

73. Both Willow Trees and Eden Meadow were submitted prior to School Lane so these could have been included. 128 High Street was submitted after School Lane so it is not unusual for this to be missing. However, it is still worth noting that it is not considered.

4.3.2. Initial model does not meet minimum requirements for model adjustment

75. Out of 15 locations, 11 (73%) have an error of 25% or more. The model systematically

under-predicts (every location), with an average underprediction of 11.25 µg/m<sup>3</sup>

76. Following the same argument outlined for Eden Meadows given above under the same subsection heading "Initial model does not meet minimum requirements for model adjustment", the model inputs should have been re-examined and the model re-ran.

4.3.3. Model uncertainty statistics not reported

77. It is usual to report uncertainty statistics concerning the final model, at least RMSE. This has not been done.

78. The pre-adjustment model has weak correlation, an RMSE in excess of 25% of the objective reference of 40 µg/m<sup>3</sup> and a poor fractional bias.

80. As we have already outlined, the initial model should not have proceeded to adjustment via a factor without revision and re-execution.

***In conclusion***

93. ...It is not possible to conclude that any of these models are an accurate representation of reality
4. each of them displays varying degrees of flaw in air quality modelling and model uncertainty which needs addressing
  5. The predictions computed for each of the AQAs for these developments are inconsistent
  7. Proposed mitigation for cumulative impact are simply vague suggestions with not reasoning or rationale provided as to their impact of implementation feasibility
  8. Current levels for NO<sub>2</sub>, PM2.5 and PM10 within Newington exceed WHO guidelines for health.
  9. The Newington AQMA has exceed NO<sub>2</sub> objectives in the last reliable year
  10. the planning applications should be rejected on the grounds of air quality at this time

This shows the likely damage to the health of Newington residents from the cumulative effect of further housing development in the village.

*Lustre consulting assessment and the full University of Kent report on the midkent planning portal 21/504028/FULL*

The January 2023 University of Kent comments on this revised application are dismissive of the methodology and therefore conclusions of the Lustre report commissioned by the applicant.

***1 Introduction***

3 ...identical baseline conditions and predictions as the original AQA submitted for 21/504028/FULL [3] and the “revised“ AQA assessment submitted for 21/504028/FULL. This illustrates the lack of attention paid by SBC to our comments.

***2 Summary***

4..The initial model presented in the AQA is extremely poor and is not suitable for the subsequent scaling adjustment applied. The results presented therefore cannot be considered representative or reliable.

***3 Initial model does not meet minimum requirements for model adjustment***

15..Given that the initial model isn't suitable, the final results should not be considered so.

**6 Transport and Highways**

We believe the transport assessment does not present a true picture of services provided: There is a poor train service and 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 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.

The Transport Statement states that services to London Victoria are provided hourly. From Monday to Friday there is a service to London Victoria at 05:50, 06:46, 07:46, 08:20, 08:48 and 09:20 (also 06.21 and 07.21 to Cannon Street). Trains are then hourly until schools close when there are 2 additional trains at 16.52 (London-bound) and 16:36 (Dover-bound), hourly thereafter and hourly at weekends.

Therefore it is unclear how this Transport Statement meets 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 question the effectiveness of measures proposed to encourage cycling and walking (welcome packs etc).

There is nothing here to address the needs of those with disabilities of reduced mobility; indeed, a development outside the village built-up area is very unhelpful to these.

Newington Parish Council has commissioned an independent report from Railton Consulting to examine the transport assessment produced on behalf of the applicant by DHA Transport Limited (Planning portal dated 25 November 2023; report dated November). In fact much of the report is dated July 2021 which means data would be collected during the national restrictions from the Covid pandemic. Similarly the accident data is between 1 July 2017 and 30 June 2020.

We are concerned that the comments from Railton on the previous application were not fully taken into consideration. Several concerns had been raised (see planning portal for the 21/504028 application)

I have previously provided two letters dated 06 August 2022 and 23 August 2022 raising transport and highways concerns about the earlier application. I note that the concerns that I raised in these two letters have not been summarised in the Committee Report.... **It therefore appears that the concerns that I have previously raised were not considered** by the Planning Authority in arriving at the recommendation for approval.

The February 2023 Railton report details issues with the DHA Assessment covering:

- Poor access to bus services
- Out-of-date Highways Safety Assessment
- Adverse impact on highly sensitive Church Lane and School Lane
- Adverse impact on Air Quality
- Impact on trees and hedgerows
- Impact on rural lanes
- Viability of proposed off-site mitigation
- Cumulative impact

Please see the full report below

The mitigation proposed by KCC includes:

Electric vehicle charging points; permanent secure, covered cycle parking spaces; some footway widening; and a financial contribution towards the Key Street roundabout improvements. None of these would provide real mitigation for those most affected in School Lane and Church Lane or to those using the wider village road network.

#### Parking standards

5 October 2021 KCC Highways

The TS confirms that a total of 60 residential parking spaces will be provided across the site, in accordance with the Swale Borough Council parking Standards.

We note that this has been increased to 65 +1 in the revised application, although some of these are through ‘tandem’ parking

The on-street visitor spaces are not well related to the spread of houses in some areas. Based on a general principle that each space serves 5 dwellings, it is considered that the 10 dwellings consisting of plots 7 to 12 and 16 to 18 are poorly served by just 1 space. Similarly, plots 1 to 5 do not have any on-street visitor spaces nearby.

### We refer to the Kent Police comments 25 March 2022

We have concerns that parking shown on the plan to the rear of plot 23 may create a vulnerable area with limited natural surveillance for both the resident and owners of any neighbouring properties. If a resident is unable to see their own vehicle from an active window (i.e. lounge or kitchen not bedroom, bathroom or hallway) they may park elsewhere such as on verges and pavements which can decrease safety and increase the chance of conflict between residents. To rectify this we would recommend the bay either be relocated or otherwise cited where use and trespass can be monitored effectively.

Secondly we recommend the pick up/ drop off parking area be lit to BS5489:2020 standards and secured with a gate when not in use. This is to prevent conflict and misuse and identify that this is for temporary use for parents only, especially if many of the future residents of the 25 homes have more than 2 vehicles.

These do not appear to have been addressed.

### The effect of increased traffic on Church Lane is a major concern to the Parish Council The applicant's Transport Statement

#### Parking on Church Lane

2.7.2 The section of Church Lane between the A2 High Street junction and School Lane was visited by DHA during the AM school peak hour on Tuesday 15th June 2021, while school drop-offs were taking place. It was noted that on-street parking was present, particularly to the south of the railway bridge. There were, however, gaps present between the parked vehicles, which allowed opposing vehicles to pass. There were no instances of significant queues forming in the area and traffic at the A2 High Street junction was not impacted throughout the visit.

Institute for Government confirms that this was during the one month delay before 'step 4' of government Covid restrictions; ie not 'normal' conditions. KCC Highways clearly acknowledge that this is not normally the case.

KCC email 2 June 2021

d. I am aware that Church Lane in particular is often blocked due to conflict between opposing vehicle movements meeting through the lengthy single carriageway sections where on-street parking occurs and forward visibility is limited. The information that we have been provided on the proposals is minimal, and I was only given a location plan

### The issue of which parts of the development site are to be 'adopted' appears unresolved email to KCC 26 April 2021

The development spine road and side roads are to be offered for adoption to Kent County Council Highways & Transportation. This was deemed to be acceptable, however, it was later discussed that the northernmost side road may be better left un-adopted, as adoption would require the addition of a suitable turning head for delivery vehicles on that road. This will be clarified at a later date by the developer through a proposed adoption plan;

### Road safety on the approach to and from the development site.

#### Development proposals Overview

3.2.4 It is noted that the current speed limit at the proposed site access location is also 60mph; however as part of the proposed development, the applicant will apply for a Traffic Regulation Order (TRO) to extend the 30mph speed limit on School Lane across the site frontage, which will also provide a benefit to the school and should therefore be approved.

NB:

1. The speed limit on School Lane is 20mph in line with the rest of the village
2. We trust there will be a consultation with village residents rather than this change being simply instigated and imposed by the developer.

## 7 The five year supply

We understand that Swale currently has a 4.83 year supply (ie an annual shortfall of 198 homes Statement of housing land supply 2021/22 swale.gov.uk published December 2022) 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.

## 8 Not a Sustainable development

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.

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.

This site was not put forward in the call for sites and has not been recommended for allocation in the draft plan. 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 Transport Statement does not actually state how *appropriate opportunities to promote sustainable transport modes* have been– or can be – taken up, given the type of development and its location.

Travel by bus

The only bus service through Newington is the 326/327 operated by Chalkwell, with long gaps (eg 7.31 – 1 hour to Chatham; next bus 9.11) and long journeys (especially the 327 which goes through the villages. The service is even more limited on Saturdays with no buses on Sundays. The bus pass proposed only covers Chalkwell journeys west to Rainham and east to Sittingbourne and the Isle of Sheppey. For journeys beyond this, passengers would have to pay the fares set by the other operators; In Swale/Medway this would be Arriva, NuVenture, ASD and Stagecoach – each with their own fare structure. So Newington to Maidstone: Either use Chalkwell bus pass to Sittingbourne and pay for onward travel via Arriva. Or use Chalkwell bus pass to Rainham and pay for NuVenture to Maidstone or ride to Chatham (paying the Medway extension) and pay for Arriva onward to Maidstone.

By rail:

There is an hourly service to Sittingbourne or London Victoria.

For the Maidstone journey: Either train to Rochester, change for train to Strood, then the branch line to Maidstone. Or train to Swanley and then change for mainline to Maidstone

The proposed railcard offers 1/3 of travel after 10.00am or any time at weekends or public holidays and only for journeys on the South-East Network Railcard area. It is clearly designed for leisure use and would be of little use to any one travelling to work.

Cycling:

In the applicant's transport statement:

6.2.5...proposal to contribute to the establishment of a cycle hire scheme for Fine for leisure purposes, along the back lanes in fine weather. Surely no-one would seriously recommend cycle commuting along the A2 with its traffic dangers and ever-present pollution.

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.

The reference to electric vehicle charging points is a requirement of all local applications and so a token gesture here. We welcome the revised proposal to include photovoltaic panels on each property. However there is no mention of heat source pumps, so presumably these new homes would rely on polluting gas boilers

The proposed housing development outside the established built-up area of the village cannot be described as 'sustainable development' as defined by the NPPF. We believe residents would drive to schools, doctors, shops and the better rail services from Rainham and Sittingbourne; that they would choose not to take the 10 minute walk to access the bus service which is very limited in terms of route and regularity; therefore increasing pollution further.

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.

***Please see, below,***

- ***The independent report from the University of Kent Centre for Health Service Studies***
- ***The transport assessment commissioned from Railton Consulting***

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

Appendix 1:

Properties with planning permission in Newington since 2011

<b>Known As</b>	<b>Properties Count</b>	<b>Decision Issued Date</b>	<b>Planning Reference</b>
Playstool Close	4	Feb-11	SW/10/1630
Vicarage Court	10	Jul-11	SW/10/1629
Hidden Mews	4	Dec-12	SW/12/0637
<b>Total 2011 pre 2014</b>	<b>18</b>		
School Lane (Parsonage Farm)	14	May-15	SW/14/0486
Tractor shed (Bull Lane)	1	Oct-15	15/504706
Church Lane	1	Oct-16	16/505663
Former Workingmen's Club	11	Jul-17	16/506166
Chesley Oast	5	Aug-17	16/506159
Eden Meadow	9	Sep-17	16/505861
High Oak Hill (Harbex)	6	Nov-17	17/504376
The Willows (9 London Road)	1	Dec-17	17/503349
Land N. of the High Street (Persimmon)	124	Apr-18	60/501266
Callaways Lane	1	Sep-18	18/503564
The Tracies	5	May-19	18/505315
Car Wash (studio flat)	1	Jul-19	17/504813
Cromas (Land Adjacent)	1	Jan-20	19/506356
The Vicarage	3	Jul-20	19/503528
37 London Road	1	Jul-21	21/502324
111 High Street	10	Jan-23	20/505059
128 High Street (Access)	46	Jan-23	21/505722
<b>Total 2014 to 2023(Jan)</b>	<b>240</b>		
<b>Overall Total Since 2011</b>	<b>258</b>		

***Text of Comment from University of Kent School of Health Services Studies***

***Please see original document on the midkent planning portal***

**Comment on Land at School Lane (22/505618/FULL)**

Dr Ashley Mills, Prof Stephen Peckham,  
Centre for Health Services Studies,  
University of Kent

24/01/23 - Contact for queries: [ajsm@kent.ac.uk](mailto:ajsm@kent.ac.uk)

**1. Introduction**

1. The Centre for Health Services Studies (CHSS) at The University of Kent has been asked by Newington Parish Council to provide an expert opinion on the impact of proposed local development on air quality and health.
2. The specific development is Swale Borough Council reference 22/505618/FULL and pertains to the erection of 25 dwellings [1]. Note that CHSS has commented on previous application at the same site (21/504028/FULL) whose application was rejected.
3. An air quality assessment [2] has been prepared for the site by Lustre Consulting and this will be the subject of comment in our submission. Note that has identical baseline conditions and predictions as the original AQA submitted for 21/504028/FULL [3] and the "revised" AQA assessment submitted for 21/504028/FULL. This illustrates the lack of attention paid by SBC to our comments.

**2. Summary**

4. The initial model presented in the AQA is extremely poor and is not suitable for the subsequent scaling adjustment applied. The results presented therefore cannot be considered representative or reliable.

**3. Initial model does not meet minimum requirements for model adjustment**

5. Table 12 on page 37 of the AQA for School Lane [2] outlines the initial comparison of Modelled and Monitored NO<sub>2</sub> and provides percentage differences. The point of this is to establish whether the initial model is accurate enough to proceed to model adjustment (if necessary).
6. Note that Lustre refers to the old technical guidance LAQM-TG(16) since that was what was available at the time they wrote the report, but a new technical guidance LAQM-TG(22) [5] has since become available. With respect to the arguments outlined here however, there has been no material change and our arguments hold according to the newest guidance.

7. In paragraph 5.6 on page 38, Lustre cites the LAQM technical guidance [4] (LAQM-TG(16)) as justification as to why they can proceed straight to model adjustment, giving the reason *“Since the modeled NO<sub>2</sub> concentrations are outside +/-10%”*. They then proceed to model adjustment.
8. This misses an important gating procedure that should be applied **before** moving onto model adjustment. Box 7.17 on page 7-135 of LAQM-TG(16) [4] outlines the procedure for *“Initial Comparison of Modelled and Monitored Total NO<sub>2</sub> Concentrations”*. This procedure should be examined before moving onto Box 7.18 because Lustre compares NO<sub>2</sub> values in Table 12 and not NOx.
9. Box 7.17 outlines several conditions via the directive *“If your checks confirm that:”* and, relative, here requires that:
  - A. *there is no systematic under or over prediction;*
  - B. *predictions at sites where monitoring shows concentrations are close to the objective show good comparison; and*
  - C. *the majority of results are within 25% (as a minimum - preferably within 10%) of monitored concentrations*
10. Let us examine these conditions. Firstly, the model systematically under-predicts (at every location), with an average underprediction of 11.25 µg/m<sup>3</sup>. Thus requirement A is not met.
11. Secondly, SW121 has an actual value of 42.7 µg/m<sup>3</sup>, which is close to the objective (40 µg/m<sup>3</sup>), but has a predicted value of 19.7 µg/m<sup>3</sup>, which is an underprediction by 54.0%. SW35, SW42, SW19, and DT01 are also near the objective and have poor under-predictions. Thus *“predictions at sites where monitoring shows concentrations are close to the objective”* show poor comparison and requirement B is not met.
12. Finally, out of 15 locations, 11 (73%) have an error of 25% or more. Thus the majority of results are not within 25% and requirement C is not met.
13. Clearly in no sense should this model be considered a good model. Box 7.17 states that if conditions are not met then:
 

*“you will need to consider altering the model inputs and rerunning in order to improve the results of the comparison and verification”*
14. Thus, it is not appropriate for Lustre to proceed immediately to model adjustment via a simple scaling adjustment factor, they should rather follow the guidance and alter the model inputs **until** the majority of results are within 25%.
15. Given that the initial model isn't suitable, the final results should not be considered so.

## 4. References

- [1] '22/505618/FULL - Erection of 25no. residential dwellings', Jan. 2023 [Online]. Available: <https://pa.midkent.gov.uk/online-applications/> (search for 22/505618/FULL)
  - [2] Lustre Consulting, 'SCHOOL LANE, NEWINGTON AIR QUALITY ASSESSMENT - Jan 2022', Jan. 2022 [Online]. Available: [https://pa.midkent.gov.uk/online-applications/files/222E33E0032835ED427699F7A3FC739E/pdf/22\\_505618\\_FULL-Air\\_Quality\\_Assessment-5745658.pdf](https://pa.midkent.gov.uk/online-applications/files/222E33E0032835ED427699F7A3FC739E/pdf/22_505618_FULL-Air_Quality_Assessment-5745658.pdf)
  - [3] Lustre Consulting, 'School Lane, Newington. Air Quality Assessment'. 07/21 [Online]. Available: Search SBC planning portal for 21/504028/FULL: <https://pa.midkent.gov.uk/online-applications/>
  - [4] DEFRA, 'Local Air Quality Management Technical Guidance (TG16) - April 2021'. 04/21 [Online]. Available: <https://laqm.defra.gov.uk/documents/LAQM-TG16-April-21-v1.pdf>
  - [5] DEFRA, 'Local Air Quality Management Technical Guidance (TG22) - August 2022', Aug. 2022 [Online]. Available: <https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf>. [Accessed: Sep. 14, 2022]
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Mr S Harvey  
 Newington Parish Council  
 07 February 2023

Dear Mr. Harvey,

### **21/505618: Proposed Development of 25 Dwellings at Land at School Lane, Newington**

I refer to the above planning application. This is largely similar to planning application ref. 21/504028 that was refused on 17 October 2022 despite a recommendation for approval from the Planning Authority. The reasons for refusal did not include any relating to transport and highways and Kent County Council Highway Authority (KCCHA) raised no objection to the proposals in their response dated 02 September 2022.

I have previously provided two letters dated 06 August 2022 and 23 August 2022 raising transport and highways concerns about the earlier application. I note that the concerns that I raised in these two letters have not been summarised in the Committee Report and are not included in the Appendix 1 that purports to present Newington parish Council's objections. It therefore appears that the concerns that I have previously raised were not considered by the Planning Authority in arriving at the recommendation for approval.

I set out below those concerns that remain in relation to the new application.

The applicant has submitted a Transport Statement (TS) (DHA, November 2022) that is available on the planning portal. I refer to this document as the TS below.

#### **Poor Access to Bus Services**

The centre of the site is around 850m from the eastbound bus stop and 950m from the westbound bus stop. The recommended maximum distance between new development and bus stops is 400m<sup>1</sup> (a five minute walk). The site is therefore more than twice the recommended distance from bus services. It is further from bus services than any existing housing within Newington.

It is concluded that the site is poorly located to encourage the use of public transport.

#### **Out-of-date Highway Safety Assessment**

Paragraph 2.6.1 of the TS states that, '*Personal Injury Collision (PIC) data has been sourced from KCC [...] for the most recent three-year study period up to 30<sup>th</sup> June 2020*'. This is clearly incorrect since the data are now over 2.5 years out of date. A review of the Crashmap website reveals that there has been a slight accident at the corner of Church Lane and a serious accident on Iwade Road in the intervening period. The applicant therefore needs to update the highway safety assessment.

#### **Adverse Impact on highly sensitive Church Lane and School Lane**

Church Lane has limited capacity as a result of significant on-street parking along its length north of the A2. This reduces the street to single lane operation and requires drivers to seek gaps between parked vehicles to allow opposing traffic to pass. These constraints already lead to drivers on the A2 wishing to

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<sup>1</sup> See page 51 of Kent Design Guide, 'creating the design' that states, '*As a general rule, it is desirable for dwellings to be within 400 metres of a bus stop.*'

turn into Church Lane, being forced to wait on the A2, thus blocking through traffic. Drivers may also be forced to brake suddenly while undertaking a turn into Church Lane as a result of vehicles on Church Lane being themselves forced to stop suddenly when confronted by oncoming vehicles. The on-street parking is the result of the majority of houses on both sides of the street having no off-street parking provision. This problem has been identified by the Highway Authority who also suggests the applicant consider new parking restrictions on Church Lane to ease the problem. It seems unlikely that any such traffic regulation order would be viable without local residents being provided with an alternative place to park their vehicles, a measure that has not been offered.

The proposed development will generate new vehicle movements along Church Lane and School Lane in the peak hours and during school drop-off and pick-up periods. The new and improved parking for school staff and for parent drop-off and pick-up will make it easier to park west of the school and will inevitably increase the number of staff and parents who seek to park in this area. There will certainly be increases in the number of vehicles passing the school both related to the new development and related to the new parking area. All of the vehicle movements associated with the new housing and some of the vehicle movements associated with the new parking area will be new to Church Lane and its junction with the A2. These additional vehicle movements are likely to increase the frequency of queues developing on Church Lane and these in turn have the potential to adversely affect traffic on the A2 thus exacerbating the existing highway safety concern relating to queueing on the A2.

The TS relies on one reported observation of traffic conditions on Church Lane to arrive at a conclusion that the proposed development will have a negligible impact. The assessment is extremely limited and cursory and cannot be relied upon to provide the necessary confidence that the proposals will not have an unacceptable impact in terms of highway safety.

KCCHA initially raised concerns about the impact of the proposals on Church Lane and the officer stated that, *'the observations noted in the TS do not reflect my own experiences of this section of road, and further studies should be carried out to verify the conclusions drawn'* (Section 2.7 of KCCHA response dated 05 October 2021). Despite this, and the absence of any further studies or any further mitigation, KCCHA presents an entirely different view in its response dated 04 May 2022 where the proposals are considered to have a *'negligible impact'*. The *'evidence'* referred to by KCCHA is a video of the observations that were previously reported and that were previously viewed by KCCHA as not representative of typical conditions.

KCCHA refers to the low level of traffic generation of the proposed housing (1 movement every 5 minutes) but fails to consider the significance of this level of new traffic in the context of the extremely constrained and sensitive nature of Church Lane and School Lane. There are plenty of examples of situations where very low levels of new traffic are deemed unacceptable. A narrow street with narrow or absent footways with high levels of on-street parking that severely constrain capacity, used for access to a primary school represents a highly sensitive location. Low levels of new vehicle generation that might be considered in other locations to be acceptable may well be considered unacceptable here. There has been no thorough assessment of this important issue.

### **Adverse Impact on Air Quality**

The limited capacity of Church Lane already leads to vehicles queueing and waiting in the vicinity of the A2. The proposed development will increase the level of stationary traffic in the area thus further exacerbating the air quality concerns in the Air Quality Management Area in the village. The issue is made more pressing when it is considered that the children attending the primary school are and will be exposed to these additional emissions while walking to and from school.

### **Impact on Trees and Hedgerows**

The proposed site access as illustrated in DHA Drawing No. 15058-H-01 rev. P8 shows significant works around the site access to achieve safe visibility splays, to provide footways and create an access that can safely accommodate the various vehicle types that are expected to use it. The works will have a marked urbanising effect on the area by replacing vegetation, verges and embankments with a footway

between the site access and the school access on the western side of School Lane. The introduction of a retaining wall on the north-eastern side of School Lane replacing the existing embankment to allow a footway to be constructed will further 'open up' and urbanise the area.

The overall impact of the works will be to significantly alter the rural character of the area. A further consequence of this will be to increase vehicle speeds, clearly undesirable in the vicinity of the school.

### Impact on Lanes

Both School Lane and Bricklands are designated as 'rural lanes' under Policy DM26 of the Swale Local Plan. The policy states, '*Planning permission will not be granted for development that would either physically, or as a result of traffic levels, significantly harm the character of rural lanes. For those rural lanes shown on the Proposals Map, development proposals should have particular regard to their landscape, amenity, biodiversity and historic or archaeological importance.*' The proposed development will have a significant impact in terms of the removal of existing trees and roadside vegetation, in terms of altering the overall character of the lanes in the vicinity of the site access and in terms of increasing vehicle flows along School Lane and the section of Bricklands used for access. The proposals are therefore contrary to Local Plan Policy DM26.

### Viability of Proposed Off-Site Mitigation

It is proposed to introduce a footway on the north-eastern side of School Lane south-east of the school access by removing the embankment and supporting the higher earth behind with a retaining structure. It is noted that the embankment has a height of around 1.5m. The applicant has provided no detail of the retaining structure and it is not clear whether there exists a viable engineering solution to achieve the standard of footway required while providing adequate support for the land and dwellings to the north-east. The applicant draws the line representing the retaining wall around 0.5m from the highway boundary in places and the retaining structure itself to have a width of 20-30cm (essentially the width of the line drawn on the plan). A simple retaining wall relying on gravity to withstand the pressure of the earth behind is likely to need to be 'battered', that is, wider at the base than at the top and could have a width of between half and three-quarters of its height; potentially a width of over 1.0m. The structure would be within around 4m of the adjacent houses. It is therefore hard to see how the proposal could be effectively implemented while allowing the provision of a footway of a width that meets relevant safety standards.

### Cumulative Impact

The Highway Authority has not explicitly dealt with the issue of cumulative impact but has sought a contribution of £16,800 towards a scheme to increase capacity at the A249 Keycol Junction (see Highway Authority response dated 04 May 2022). A development of 25 dwellings, in isolation, is unlikely to give rise to a level of new traffic that could lead to unacceptable highway capacity impacts on the wider highway network. However, there have recently been numerous planning applications for residential and other developments in and around Newington and there is concern locally that the cumulative impact of these developments may be severe.

**Figure 1** attached, summarises consented and proposed developments in the area. In total, including the School Lane development, 216 dwellings are proposed within Newington. The Paradise Farm brickearth extraction will generate 101 vehicle movements including 85 HGV movements per day, albeit over a limited period. In addition, four committed developments in the wider area, including the very large proposed development west of Bobbing, have been identified that will generate additional vehicle movements on the A2 through Newington.

**Table 1** attached, summarises the trip generation of the various consented and proposed developments in the area. This shows that developments within Newington will generate 1,123 new vehicle trips per day on the local highway network. To this will be added at least 955 vehicle movements along the A2 associated with other committed development in the area. In relation to existing traffic flows on the A2, this additional traffic represents a 14% increase on a daily basis. In transport environmental terms, an increase in excess of 10% is deemed to be potentially significant in

sensitive areas<sup>2</sup>. Newington is a sensitive area as evidenced by the presence of an Air Quality Management Area (AQMA) covering the whole of the village. The recently implemented 20mph zone on the A2 in the village centre also points to the sensitivity of the area to traffic impact.

From the data that is available it is clear that in cumulative terms, the proposed development has the potential to lead to significant adverse impact. The only mitigation that is proposed relates to the Keycol junction. No further mitigation is proposed to deal with the adverse impacts associated with increased traffic levels on the A2 through Newington village.

### **Proposed Sustainable Transport Mitigation**

Section 6 of the TS refers to DHA Technical Note dated July 2022 that presents an argument that a 10% reduction in car travel can be achieved through the implementation of a Travel Plan. I find nothing within it that would suggest to me that the measures proposed will lead to anything close to the suggested 10% reduction in car travel.

Section 6 of the TS and the Technical Note reference the NatCen report, 'Impact of interventions encouraging a switch from cars to more sustainable modes of transport' and quotes a paragraph taken from the Executive Summary that states, '[public transport] *should also compare favourably to the cost and convenience of driving*'. As I have already set out above, the site is at least 850m from the nearest bus stop. It is absurd to suggest that bus use could ever compare favourably with car use at the proposed development. Although the train station is closer, train services are expensive compared with driving, and by their nature are not convenient for the vast majority of journeys owing to the limited destinations accessed and the infrequency of services (only hourly services for most of the day).

The use of the NatCen report to imply that a significant shift to bicycle use is possible is also disingenuous since it entirely ignores the first point raised in the report which is that, '*Successful interventions to encourage a switch from cycling include separating cycle routes from other vehicles...*'. There are no designated cycle facilities separating cyclists from other vehicles in the area. Indeed, the A2 is a very hostile environment for cyclists. Again, it is absurd to attempt, as DHA does, to compare the Newington site with Brighton that has well established cycle routes and a comprehensive range of supporting measures to promote and encourage sustainable travel.

Section 6 of the TS and the Technical Note also refer to the TRL report, 'Sustainable travel towns: An Evaluation of the longer term impacts' (Cairns and Jones, 2016). Put simply, the findings of the TRL report have no relevance to the Newington site since Newington is not a sustainable travel town. Indeed, the fact that the average reduction in car trips of 7%-10% has been achieved in locations where there has been a committed, long-term and comprehensive development of a wide range of measures and initiatives promoting sustainable travel in the settings of much larger urban areas strongly suggests that the scope for achieving any measurable change in travel behaviour at the proposed site is negligible since bus services are inaccessible, local services accessible on foot are limited and cycle use is both unattractive and hazardous.

I conclude that the suggested level of car trip reduction is achievable at the proposed site has no credibility.

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<sup>2</sup> See Guidelines for the Environmental Assessment of Road Traffic, Institute of Environmental Assessment, 1991

## Summary

To summarise, I consider that the proposed development is not acceptable in transport and highways terms for the following reasons:

1. The site has very poor access to bus services;
2. The assessment of highway safety records is out of date and needs to be revised;
3. The proposed housing development will generate new car trips using Church Lane and passing the school on School Lane in the peak hours and during school drop-off and pick-up periods;
4. The new and improved parking area for school staff and parents will make it more likely for more cars to drive past the school;
5. Church Lane is highly sensitive to changes in traffic levels due to significant on-street parking, narrow or absent footways and its function as the main access to the school for those on foot. There has been no detailed assessment undertaken of the impact of the proposals on vulnerable highway users along this route;
6. It is likely that increased vehicle queuing and delays resulting from additional traffic using the severely constrained Church Lane will have an adverse impact in terms of highway safety on the A2 and at the A2/Church Lane junction as traffic backs up more frequently on the A2;
7. The increased traffic at the A2/Church Lane junction and travelling along and waiting on Church Lane will increase air pollution in an existing Air Quality Management Area;
8. The proposals are contrary to Swale Local Plan Policy DM26 in that they will have a significant adverse impact on the landscape of Bricklands and School Lane, designated as 'rural lanes'.
9. It is unlikely that the proposed earthworks on the western side of School Lane in the vicinity of the school could be implemented while maintaining a footway of a width that meets relevant standards;
10. No assessment has been made of the cumulative impact of the proposals in the context of numerous other developments in the local area;
11. The effectiveness of the proposed Travel Plan and associated measures have been greatly exaggerated and are unlikely to lead to any measurable change in travel behaviour of the residents in the proposed development.

I conclude that the proposed development is not acceptable in transport and highways terms.

I trust the above is clear. Please do not hesitate to contact me if you have any queries.

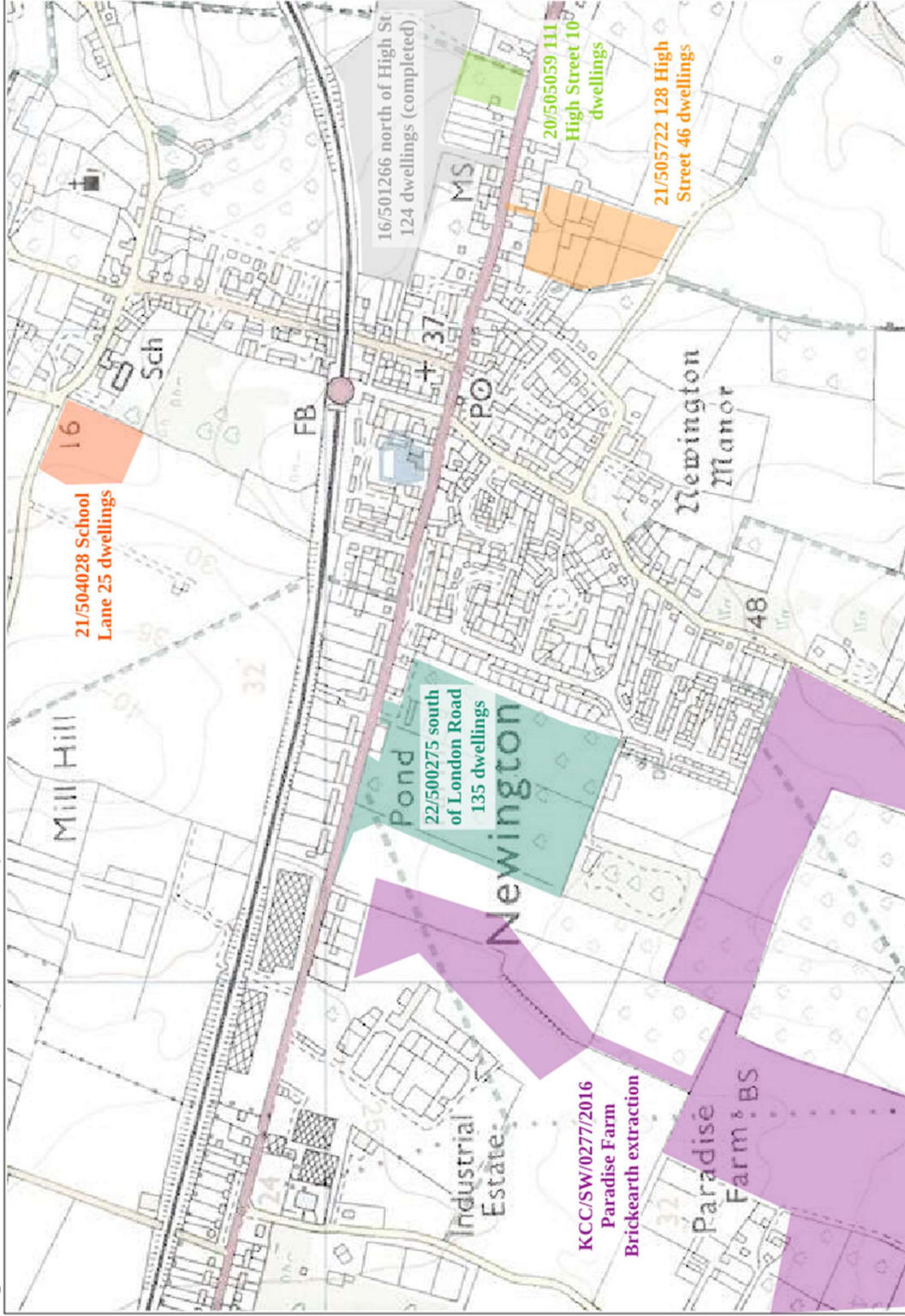
Yours sincerely,

Bruce Bamber BSc MA MSc MCIHT, Director

**Table 1:** Summary of Committed Traffic

app. Ref	name	description	2-way trips			% Daily Change
			AM Peak	PM Peak	Daily	
20/505059	111 High Street	10 dwellings	4	4	33	
21/505722	128 High Street	46 dwellings	21	20	200	
22/500275	Land south of London Rd	135 dwellings	84	89	715	
21/504028	School Lane	25 dwellings	9	9	74	
KCC/SW/0277/2016	Paradise Farm	Brickearth extraction			101	
		Total within Newington	<b>118</b>	<b>122</b>	<b>1,123</b>	<b>6%</b>
17/505711	Wises Lane	595 dwellings	35	35	289	
18/502190	Quinton Road	852 dwellings	70	63	550	
17/500727	Manor Farm Key St	50 dwellings	3	3	25	
18/500258	Hill Farm Bobbing	20 dwellings	11	11	91	
22/503654	Land west of Bobbing	2,500 dwellings	-30	109	293	
		Total through Newington on A2	<b>89</b>	<b>221</b>	<b>1,248</b>	<b>7%</b>
		<b>Total</b>				<b>14%</b>
		Effect of M2 Junction 5 improvements	16	-13		
		2018 AADT A2 West of Callaways Lane (from Paradise Farm TA)			<b>17,508</b>	

Figure 1: Consented and Proposed Developments



Committed and proposed developments that could generate traffic on the A2 through Newington:

- 1: 17/505711 Wises Lane 595 dwellings
- 2: 18/502190 Quinton Road 852 dwellings
- 3: 17/500727 Manor Farm Key St 50 dwellings
- 4: 18/500258 Hill Farm Bobbing 20 dwellings
- 5: 22/503654 Land west of Bobbing mixed use development with up to 2,500 dwellings