

Sunday, 08 January 2017

Julian Herrington  
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Matter 1 & Matter 2 Statement

Dear Inspector

**Ref letter dated 14<sup>th</sup> December 2016  
Notice of Consultation on Bearing Fruits 2031:  
The Swale Borough Local Plan, Proposed Main Modifications,  
June 2016 and supporting documents**

Thank you for inviting further representations to support my original submission (second attempt).

**Matter 1**

**Procedural Matters**

**PREMATURITY**

I would point out that two further sites in the eastern area of Swale have been turned down using prematurity as one of the arguments. This is a total of 100 houses approx. which are arguably more sustainable than Perry Court. Given that Perry Court has to be the worse location of anywhere to build around Faversham this only goes to support my view that the interpretation of the NPPF for Perry Court was perverse and that the decision was premature. That the Planners chose as a keystone to their arguments that the cost of losing an appeal justified approval is perverse/ It bypasses any objective appraisal using the NPPF. Furthermore, to ask whether the applicant would appeal is subjective and is contrary to item 3 of the Noble principles that those in public office have to stay independent.

**TRAFFIC**

The next area of concern is the total lack of reality about the traffic flows around Faversham. Swale's head in the sand policy started with Mr Freeman unduly influencing the Faversham Town Council (as accepted in sitting by one Councillor) who gave the green light to Perry Court. When they subsequently rejected it, it was too late. The reality has been summarised in the Faversham Times on 24<sup>th</sup> November by Shiel Campbell, the present Mayor, that "there is no automatic answer to this (the doubling or tripling of traffic flows) as Kent Highways do not have the resources to pre-empt the problems associated with the developments that we have in Faversham." So we should not build where para 64 of the NPPF applies, that any development should improve the design of an area!?

Let me remind you of the frailties of Kent Highways in whom you put all your trust. They agreed that the developers for Perry Court did not need to carry out a traffic impact assessment of the development on Brenley corner. This was in spite of an agreement for this requirement reached between Kent Highways, Highways England and Swale BC in a statement of common ground. This was part of the consultative process of the emerging plan and to subsequently ignore this is not only arrogant but surely a miscarriage of a quasi-judicial process. Also in this same statement HE state that the KCC Draft Transport Strategy is unrealistic in expecting a 5% increase in the uptake of sustainable transport because of the geographical nature of this area. Yet the developer is paying £300,000 on a bus service. Will this be used? Putting this money towards improvements at Brenley I suggest would be a better use.

**AIR QUALITY**

I would just reiterate that the policy concerning air quality as Mr Upton states is a material planning consideration. He points out that it is not down to only one site to take the burden. There are 4 further sites other than Perry Court which have already been passed and which have not been considered for their effect on air quality totalling over 700 houses.

## **Matter 2**

### **OVERALL APPROACH**

#### **Proportion east and west**

Reality is that Perry Court is the most unsustainable place to build around Faversham. I note that Macknade Farm Shop is expanding and a new pub has been approved in the same area. There is a garage also on the A2 in this area. Add this to the lower lying land in this area then surely this is much more sustainable than Perry Court particularly from a traffic point of view?

That an increase in proportion at Faversham is unrealistic is further supported that Helen Whately has lost her battle with the Chancellor to have Brenley improved so that anything upstream will snarl up whatever you do. Even a direct link to the Motorway from the Western Link road will not help because it will just all stop at Brenley. Both are needed to keep traffic moving and sort the Air Quality problem at Ospringe Street before any building should take place.

To update, when the application for Perry Court was passed in outline, it was known that the junction of the A251 and A2 is congested and already over capacity. In another planning application a government inspector at an appeal for 650 homes in Cheltenham upheld the decision to refuse the application because it would have increased demand on a section of highway that is already operating over capacity (Dept for Transport circular 02/2013 paragraph 9). This was challenged by Bovis Homes in the High Court but the judge ruled that the decision was justified.

#### **Strategic Highways**

Also I wonder what traffic data KCC are using. I would inform that between 2013 and 2015 (after the traffic assessment was made for Perry Court) the traffic at the top of the Mall has increased by 22% and on the Brenley roundabout slip roads by 13%. This last figure reflects, does it not, that much of the development in Thanet and Canterbury will come through Brenley?

#### **EXTRA SITES**

The traffic for these sites been assessed for their impact on Brenley Corner, as far as I can see. I would remind that in Policy CP5 6 it says that "if such works cannot be carried out and the residual cumulative impacts of development are severe, then the development will be refused." I propose that they are but no assessment has been made.

**Highways England** did not help you in their consultation during the application process for Perry Court that they chose not to reiterate their position reflected in the Statement of Common Ground. But if we ignore reality then Swale will be powerless to do anything and leave Faversham and its residents with a severe loss of amenity, setting and character."

Yours faithfully

JJ Herrington