

## **Swale Borough Council Local Plan Examination Statement**

### **Matter 3: MUX1: South West Sittingbourne**

This statement has been produced as part of the examination of the Swale Borough Local Plan: Bearing Fruits 2013 and its Proposed Main Modifications June 2016. It answers the Inspector's questions relating to Matters 3.1-3.6.

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### 3. **MUX1: South West Sittingbourne**

1. This statement should be read in conjunction with the Council's responses within SBC/PS/117. At the end of this statement, the Council considers the site promotor's representation (LP1858) which seeks an extension of the site to achieve access to Chestnut Street.

#### **Matter 3.1 Is MUX1 allocation justified by robust evidence, including landscape character assessment and sustainability appraisal as the best option for delivering the borough's housing?**

2. In the context of the settlement strategy of the Plan and the site options available at Sittingbourne, the site represents the best option open to the Council.
3. The Council's overall approach to allocating the site is summarised at Appendix 7 of SBC/PS/117 (SBC/CSR7), whilst pages 3.100-3.141 of the May 2016 LDF Panel Report (SBC/PS/108) sets out in more detail the approach to isolating the choices and site selection at Sittingbourne.
4. Within the Council's Sustainability Appraisal (SBC/PS/105b), SW Sittingbourne was considered firstly in the context of the overall strategic alternatives. In framing all the alternatives (Table 5.1 and 6.1 pages 15 and 17), paragraph 5.3.5 notes the site as both 'stand-out' and a 'given'. The SA indicates option 1 (which includes the site) as performing best in terms of a number of objectives (page 17). Furthermore, in Appendix III to the SA, at pages 66-70, the various site options are discussed with page 70 confirming the site as highest in the rough order of preference.
5. In the Strategic Housing Land Availability Assessment at SBC/PS/037, the site is judged as overall achievable within its third 'sweep', i.e. as potentially being within the pool of sites necessary to meet a higher housing target of 776 dpa. The Ranked Assessment (SBC/PS/106) confirmed (without mitigation) the site as tier G due to the presence of Cryalls Farmhouse, a listed building.
6. In terms of landscape character assessment (CD/063o, Character Area 42) notes that the well-defined urban edge is locally visible and that the integrity and setting of some rural settlements is sensitive. The Swale Urban Extension Landscape Capacity Study (CD/060b study area 11 on pages 46-47) described the overall capacity as 'low' with potential for minor development in some locations. Expert landscape advice was provided to the Council by consultants who assisted in the preparation of the accompanying concept diagram at Map 6.6.3 of MM191 and input into policy wording. Officers themselves made landscape and visual judgements based on these documents and their own site visits. These are set out in paragraphs 119-120 and 129 of the Panel report at SBC/PS/108. These described the impacts, after mitigation, as less than significant.
7. In response to the representation by the site promotor of the allocation (see below), the Council commissioned further landscape capacity and landscape and visual impact assessment work at SBC/PS/118. This revisited CD/060b in terms of

the landscape capacity of a smaller study area considered to be influenced by the proposed allocation and found its capacity to be 'moderate'. After 10 years with mitigation in place, the work concludes that there would be between slight and moderate adverse impacts on various landscape components (Section 9). The Council considers this to confirm the conclusions reached by officers in SBC/PS/108.

8. Finally, within Policy MUX1 itself, there is considerable landscape mitigation envisaged via a Landscape and Ecological Management Plan as set out in criterion 1.

**Matter 3.2 Is MUX1 allocation deliverable within the Plan period?**

9. This is set out on pages 69-71 of the Council's land supply statement at SBC/PS/113. The main issue impacting upon deliverability is the relationship with transport infrastructure. This has been taken into account by the cautious phasing applied and amplified in paragraphs 108-115 of SBC/PS/113. The site is shown as delivering completions from year four onwards.

**Matter 3.3 Is MUX1 allocation supported by robust infrastructure planning? Have all the infrastructure implications been identified and addressed in appropriate detail?**

10. SBC/PS/103 sets out the Council's Implementation and Delivery Schedule (IDS). In terms of social infrastructure, the IDS provides the detail to determine the needs arising for libraries, community, learning, skills and youth services. In the case of education, the allocation appropriately identifies the need for a primary school and this is made available within the allocation. For health, contributions are required to expand health facilities at The Meads Health Centre. Both KCC and the CCG are satisfied and there is reasonable certainty as to their provision within the plan period.
11. Some updating to the IDS may be required in respect of transport infrastructure in the context of the A249 corridor and the A2. This is dealt with more specifically within Matter 5 (see also 3.5) and 9. At the time of drafting, beyond Key Street, the IDS had not identified specific local junction improvements associated with the allocation, however, following further work by the developer, in addition to the signalisation of Key Street, the IDS should indicate the need for improvements at both Borden Lane at the junction with the new access and at the junction of Wises Lane and the A2. The exact scope and timing of the improvements would be for the planning application to determine.

**Matter 3.4 Is MUX1 allocation supported by evidence at this stage to have reasonable certainty that the amount of development proposed will be deliverable within the plan period?**

12. See Matter 3.2 above.

**Matter 3.5 Is MUX1 allocation supported by clear and deliverable measures to address transport implications of the proposed development?**

13. There are three main issues of concern, simplified as follows:
  - 1) The implications for the strategic road network (A249);
  - 2) The implications for the local road network (A2/Key Street/Wises Lane); and
  - 3) Other local road issues, notably rat-running.
14. In the case of 1), this is partially addressed by Matter 3.3, but principally within Matter 5 and the Highways Statement of Common Ground (SBC/PS/121). In the case of the Key Street junction with the A249, this would involve its signalisation, confirmed as necessary by SBC/PS/121. This issue is also relevant in the context of the site promotor's submissions.
15. In the case of 2), there is cross over with the local network where the improvement at Key Street described above. With a number of contributing developments, there are therefore good prospects for its delivery in the shorter term.
16. In the case of the junction of the A2 with Wises Lane, this is a relatively minor improvement, although the detailed design may need to consider the presence of TPO trees and suitable early mitigation for loss<sup>1</sup>. This would be undertaken by the developer to open the site up and would thus be an early improvement. This is highlighted by SBC/PS/121 and other technical evidence from the site promotor.
17. In the case of 3), rat-running between Sittingbourne and the M2 (via Oad Street) currently occurs to avoid A249 queuing at J5 and/or congestion on the A2 toward Key Street. As an existing problem, despite the mitigation measures that can potentially be deployed in respect of MUX1, it is not MUX1 itself that can fully resolve the issue, only the completion of the planned J5 improvements to the M2. Even then, there will be parts of the town, particularly those further to the south and around Borden village, where the rural route to the A249 just south of the Stockbury roundabout may continue to be attractive and where it would only be its closure that would totally eliminate its attractiveness<sup>2</sup>. Where the origin of such journeys is sufficiently far south, it may be argued that they do not in fact constitute rat-running and that their forced diversion northward via the A2 or the allocation would themselves create rat-running on other local roads. With this context, the key question is whether MUX1 will makes rat-running worse, both ahead of the 2024 completion of J5 and, but more importantly, afterwards and, if so, whether, after mitigation, these impacts could be judged as severe (NPPF paragraph 32)?
18. In this part of the town, rat-running occurs via use of either Wises Lane (less so) or Borden Lane (more so) on routes to and from Stockbury A249, just to the south of J5. The focuses of these impacts are felt within Borden village, Hearts Delight and

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<sup>1</sup> This area has also been proposed for Village Green status (under the Commons Act 2006) by opponents of the MUX1 scheme. This application has been opposed by the Council on the basis that the likely use of a corner of this area for highway improvement to support MUX1 constitutes a 'trigger' event preventing its designation. This is viewed as blocking development and preventing proper planning of the area.

<sup>2</sup> This issue may arise in the context of future consultations in respect of the J5 improvements.

Oad Street and on the lanes which link them. A separate route also exists from Key Street, via Chestnut Street and Maidstone Road (the 'old' A249), to J5, but this does not have the 'benefit' of being able to avoid J5 only its southbound queuing. At its Key Street end, the road is also a focus for parking and is a pick up point for London commuter coaches. J5 consultation in spring 2017 is likely to consider the closure of the Maidstone Road arm of the junction to cars which could remove this route. This would be subject to A249 congestion issues being addressed by the J5 improvements.

19. As a result of MUX1, there would be some modest re-assignment of traffic away from rat-running routes due to there being less congestion at the junction of the A2 and Adelaide Drive/Borden Lane, with traffic able to distribute between this route and the link through the allocation between Borden Lane and Wises Lane. In addition, better A2 management would provide benefits through traffic signals at Key Street and Wises Lane.
20. However, ahead of J5 improvements, rat-running could persist via Borden Lane and Wises Lane. There are mitigation options available that can be considered, such as the phasing of development, the re-direction of existing routes and traffic management measures in Borden Lane, as well as others potentially further afield. Together, these can reduce the attractiveness of development traffic heading south until such times as the link road through the allocation can be achieved. Whilst it must be for a planning application to consider these in detail, it is the view of the Council highway authorities within SBC/PS/121 that the options for achieving adequate mitigation exist pending the overall benefits that would be achieved with completion of the J5 improvements.
21. To conclude, much of the rat-running to the south potentially arises from drivers diverting around/avoiding the town centre to the south. Rather than re-joining the A2 in vicinity of Adelaide Drive, the congestion on the A2 and the A249 encourages some level of this rat-running further south on the routes via Borden village etc. This is displacement of through traffic and there is potential for this to occur regardless of where the demand comes from across the town. In this regard, the MUX1 allocation is not unique in potentially introducing traffic that is perceived to potentially increase rat-running on these routes. This would occur regardless of the origin of the demand. However, in many regards MUX1 is more able to provide mitigation to this, in the form of the connecting link between Borden Lane and Wises Lane and the proposed works to southbound routes.
22. Overall conclusions on Matter 3.5 are therefore that within the Highways Statement of Common Ground (SBC/PS/121), the parties confirm that provided the improvements are undertaken, transport matters would not be an in-principle concern for MUX1 in that there are deliverable means to address issues and to mitigate harm to acceptable levels.

**Matter 3.6 Has MUX1 allocation taken into consideration flood risk, heritage, wildlife and biodiversity aspects of the site?**

23. The allocation is unaffected by strategic flood risk considerations.
24. There are no designated wildlife or biodiversity sites in the locality and the Borden Nature Reserve is outside the allocation. The main impacts arise from the access to the site from Borden Lane where some trees and grassland would need to be removed (but see also paragraph 16), impacts to any biodiversity on the intensively farmed landscape across the main allocation and any secondary impacts arising from increased recreational use of the Borden Nature Reserve and the draft LGS at Borden Lane. Local Plan policy and text appropriately require ecological issues to be examined via a Landscape and Ecological Management Plan. With this in place, alongside the improved management of the LGS, criterion 1.b of Policy MUX1 – a net gain in biodiversity - should be achieved.
25. Heritage has been a particular focus of concern. However, at this stage, there are no in-principle concerns expressed from SBC/KCC heritage officers or Historic England as a consultee to the Local Plan. At Appendix 1, the Council has included agreed commentary by the conservation and archaeological officers at SBC/KCC which outlines the issues. They are in agreement with the conclusion that whilst there could be harm to heritage assets arising from MUX1, at this stage, they are judged as less than substantial in terms of NPPF paragraph 134. This is provided that the harm is reduced through mitigation and design measures brought forward following more detailed assessment in advance of a master plan and planning application. In this case, the Council's judgement is that the benefits arising from the proposals in terms of new housing provision and community benefits can be weighed against the harm.

**Other Matters: The Council's response to the site promotor's representation LP1858 in respect of proposed Modifications to MM191/192**

26. The Council's view is that Policy MUX1 is sound in its current form and this has not been questioned by the site promotor (although some amendments are sought). However, the alternative proposals that have been suggested should be considered for their contributions toward sustainable development in the event that MUX1 is judged to be unsound for any reason. The developer has also carried out community consultation on their proposed alternative.
27. LP1858 comprises three distinct changes to that proposed by MUX1:
- 1) Extension of the site westwards and slightly southward by an additional 12.5 ha, with an increase of 86 dwellings<sup>3</sup>.
  - 2) Relocating the proposed primary school from land to the east to land to the west of Wises Lane (arising from the developer's community consultation

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<sup>3</sup> Post the representation, the site promotor has increased provision by 110 dwellings, bringing the site total to 675 dwellings.

responses) and inclusion of facilities for a rugby club on the site currently proposed for the primary school.

- 3) Potentially including neighbourhood facilities that might include a GP surgery and a local shop.
28. The primary objective of the representation is to secure vehicular access to Chestnut Street and egress to the A249, so as to provide a direct route from Borden Lane toward the A249. This is seen as reducing the traffic impacts that would otherwise occur in Wises Lane under MUX1, but also to provide a more attractive route to relieve congestion on Key Street and its eastern A2 approaches. The alternative proposals are intended to provide mitigation to Key Street by directing traffic away from the junction either instead of or in addition to the signalisation envisaged as part of MUX1. It is also understood to be a more likely preferable alternative to rural rat-running.
  29. There have been further evolutions of the transport elements of the representation, which, with the agreement of SBC/KCC and HE, have been considered as part of wider investigations of transport impacts from Local Plan allocations in the A249 corridor (included in the Statement of Common Ground at SBC/PS/121). Proposals now include the potential of creating a new southbound slip road on KCC owned land at Chestnut Street onto the A249 itself from a roundabout that would provide the western access to the allocation. The current access to the south-bound A249 slip road at Key Street would be closed, with traffic directed south along a realigned and enhanced Chestnut Street, passing through the proposed new roundabout junction and re-joining the existing slip-road closer to the A249 carriageway. The removal of the slip road connection at Key Street roundabout would have the benefit of reducing the number of exit arms at the junction, improving options for signalisation. Together, these are seen as being able to more comprehensively benefit the transport network (see below). See also Matter 5 and the Statement of Common Ground (SBC/PS/121) with the highway authorities which confirm these potential benefits.
  30. The proposed alterations are also understood to provide the potential for interim mitigation of J5. The site promoters assert that such mitigation would allow the scheme to be delivered through a planning application, demonstrating appropriate mitigation of J5 in advance of the wider Highways England scheme.
  31. In response to LP1858, the Council commissioned further SA (SBC/PS/118) and landscape (SBC/PS/120) work to inform the Council's response to the Examination and the Inspector's overall conclusions. These, together with SBC/PS/121 (which additionally confirms no in-principle objection to the proposals in transport terms), highlight additional benefits arising from an extended allocation, notably:
    - 1) The more significant improvements to Key Street/A249 and the Key Street roundabout itself which are supported by both highway authorities;
    - 2) The enhanced role of the spine road as mitigating current conditions on the A2 east of Key Street and as a means to reduce the attractiveness of the rat-running alternative to the A249 via the rural area;

- 3) Increased land provision for landscape and visual mitigation;
  - 4) Increased housing provision; and
  - 5) Improved accessibility to local services with the inclusion of neighbourhood facilities, together with the earlier provision of the school and additional sporting opportunities<sup>4</sup>.
32. There are some potential negative impacts in addition to MUX1:
- 1) Shorter term increased visual and landscape impacts from the westerly extension, although these can be mitigated to acceptable levels (see SBC/PS/118). However, adverse landscape impacts arising from the school and rugby club proposals, as confirmed by SBC/PS/118, would be more difficult to mitigate;
  - 2) Increased use of BMV land; and
  - 3) Increased potential heritage impacts (see Appendix 1).
33. There are other possible mixed impacts in southern Sittingbourne if the spine road across the allocation assumes a more strategic role. Traffic heading to or from the A249 from south/south-east Sittingbourne could use the new road instead of the A2 or the rural rat-running alternatives. Whilst this would be beneficial, it could increase the use of existing residential streets e.g. Homewood Avenue and beyond across the south of the town. If development were to proceed from west to east this would mitigate the effects, but once the connection with Borden Lane was made, the new route to the A249 across the site could become a stronger desire line for cross town traffic which may require a wider range of traffic management measures.

### Conclusions

34. The Council acknowledges that its evidence indicates the possibility of additional benefits arising from LP1858 over and above those in MUX1 and, notwithstanding some adverse impacts, the larger proposals could be judged as achieving greater benefits from the social and environmental strands of sustainable development than other options.
35. However, at present, the matters raised by LP1858 are not necessary to address matters of soundness, such as a shortfall in housing land supply or a critical infrastructure constraint. In the absence of this, whatever the merits of the representation, these could only be considered by a future review of the Local Plan, or justified exceptionally via a future planning application.
36. As a result, the Council would only be prepared to consider a Main Modification involving LP1858 as an option were the Inspector to consider MUX1 to be unsound. If LP1858 were to be the way forward for the Council, it would want to explore whether it would be appropriate and necessary to address some of the potential adverse impacts, including:

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<sup>4</sup> It should be noted from SBC/PS/103 that the CCG has no current plans to provide a GP surgery on this allocation.



- 1) The location of the school and its relationship with land used for landscape mitigation/open space and the rugby club facilities.
  - 2) The commitment to prepare a heritage assessment so as to inform the earlier masterplan/development brief stage (see paragraph 23 above).
  - 3) Introduction of relevant landscape recommendations from Section 10 of SBC/PS/118.
37. In the case of MUX1 as existing, this too could benefit from modification in the interests of achieving greater sustainable development benefits. However, the Council considers that the following are not soundness issues:
- 1) Heritage assessment timing (see above affecting MM191 only).
  - 2) References to a potential neighbourhood centre to enhance the accessibility credentials of the site.

## **Appendix 1: Agreed commentary on heritage matters by SBC and KCC Conservation and Archaeological officers**

1. Whilst the extents of designated heritage assets (DHA) are known, they are off-site, with the extent of any un-designated heritage assets currently unknown. Determining the detailed heritage impacts at the same degree of detail as a planning application would not be reasonable. However, Local Plan policy and text contains the appropriate safeguards to address the issues, notably via preparation of a full heritage assessment. The parties and the Council agree that it would be beneficial for all heritage assets that a further (minor) modification be made to the effect that this assessment should be available to inform the masterplan/development brief, as opposed to with the planning application. This would ensure a more robust response to heritage issues at an earlier stage.
2. The main issues affecting heritage assets which could affect the principle of allocating to the site as set out by Policy MUX1 are three-fold:
  - 1) The setting of the Cryalls Farmhouse DHA;
  - 2) The impacts of rat-running on heritage assets further afield; and
  - 3) The probability of buried undesignated remains of significance within the allocation.
3. In respect of 1), Cryalls Farmhouse lies outside the allocation to the east. Its direct association with the farmland to the west has long been broken and its setting badly compromised by 1970s residential development, whilst between the farmhouse and the field to the west is an existing road. There is the potential for further harm to the setting arising from the proposed access road to the south and from development in the field immediately to the west and it is thus important to avoid further cumulative impacts (paragraph 9 of Historic England's Good Practice Advice Note 3 on The Setting of Heritage Assets). In the case of the road, the impacts are judged as short term and would diminish with mitigation, whilst the detailed layout of the site is flexible enough to accommodate a reasonable greenspace to the west to provide a setting to the building.
4. In the case of 2), whilst this issue may only be fully capable of assessment at the detailed planning application stage when more precise vehicle movements can be scrutinised, there are a number of matters which can minimise concerns. Firstly, this is an existing issue where longer term improvements are expected at J5. Secondly, vehicle movements are assumed to be car and light van based and not heavier vehicles, which have much greater potential to result in unwanted (and potentially damaging) structural movement to listed buildings and important non-listed buildings in Conservation Areas via vibration or actual impact. Thirdly, given the variety of potential vehicle routes available and the levels of existing vehicles likely to be already using them, it is assumed that it would require very significant increases in traffic levels for historic assets to be demonstrated as being substantially harmed.

5. In the case of 3), there is the probability that significant archaeological remains will be found at the site, particularly given the quality of finds in the wider area that include: Iron Age and Roman remains including a Roman villa in a field between the site and Borden; a Romano-British track that crosses the site; and Roman finds made by detectorists in fields to the immediate south of the allocation site. However, these should not affect the principle of allocating the site as it is considered that the detailed layout of the site would be sufficiently flexible due to its scale and the potential for green spaces.
6. In respect of the extended site as promoted by the developers, the following additional points are relevant:
  - 1) Ahead of J5 improvements, the potential for an increased use of the Chestnut Street through to the Stockbury roundabout, as an alternative to using the A2/A249 could create additional impacts upon the Chestnut Street conservation area. The option to link to the southbound carriageway of the A249 just before Chestnut Street could therefore make a worthwhile contribution to the objective of reducing the levels of rat-running in this area and as such its early implementation should be pressed for.
  - 2) There would be a greater visual presence of the site within views from the not designated but potentially nationally important First World War defence system known as the Chatham Land Front. These would arise from the extensive fortified position sites on high ground to the west of the A249.
  - 3) The revised position of the proposed school is in an area where Roman remains have been found.
  - 4) If subsequently proposed, higher housing densities would affect the potential for preservation measures to be incorporated in overall design that are meaningful.

#### Overall heritage conclusions

7. On balance, provided that the mitigation outlined can be implemented, it is considered that heritage impacts would represent an 'in-principle' objection to the allocation of either MUX1 or the larger scheme.