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CHARTERED TOWN PLANNERS

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## **Matter 2: 1012050**

**Borden Residents Against Development: Liz Alexander, Bell Cornwell LLP**

**Further Representations to address Matters, Issues and Questions.**

**Matter 2: Overall approach: development targets, the settlement strategy and the distribution of development**

**2.1 Does the modified Plan set out a strategy to deliver the area's development needs over the Plan period?**

**2.2 Is the introduction of an indicative percentage split in MM40 justified and does it provide a clear and realistic guide for managing growth across the two planning areas?**

**2.3 Do MM41/MM42 provide a clear and flexible approach to monitoring delivery across the borough as a whole?**

1. The main modifications (MMs) propose additional allocations to meet the OAN plus a small buffer. We understand that the question of the OAN is closed for discussion following the Inspector's conclusion on this matter.
2. In theory, the MMs do set out a strategy to deliver the development needs – however the key issue for BRAD is whether or not MM MUX1 is a sound allocation which is justified, effective and consistent with national policy. We will demonstrate below that the strategy focusing on MUX1 as a MM is not justified as it is not the most appropriate strategy when considered against the reasonable alternatives (and whether it was actually assessed as a reasonable alternative at all). We will also demonstrate that there are considerable deficiencies in the evidence base, including the timescales of the preparation of this and whether the conclusions actually support MUX1 as an allocation at all.
3. We consider that the Council should have been advised by the Inspector to revisit the spatial strategy when they were told that they needed to accommodate higher

housing numbers. It is not a sound approach to make assumptions that the spatial strategy proposed for 540 dwellings per annum as originally set out in policy ST3 is appropriate to accommodate the considerably higher figure of 776 dwellings per annum. It would have been more appropriate to go back to the drawing board to see if an alternative spatial distribution was preferable.

4. The Thames Gateway is still being referred to and used to inform the spatial strategy; however, this policy designation has been superseded. There is also additional information available that shows that Swale Borough Council is actively promoting the improvement of Junction 7 of the M2 on the basis that it will enable additional growth across East Kent as a whole. We understand that funding has been committed from the Highways Agency for these improvements. This has implications for the amount of growth that can take place at Faversham. With this in mind, we do not consider that the indicative split set out in MM40 is justified by the available evidence. The spatial strategy should therefore be revised to fully consider the appropriate quantum of growth for Faversham. Available and deliverable sites in Faversham which have been rejected based on a proportionate split, should now be reconsidered and allocated in favour of more constrained proposals such as South West Sittingbourne.

#### **2.4 Is the allocation of additional development sites in MM58 (Policy ST4) based on detailed and objective assessment of potential sites?**

1. No. The concerns of BRAD are with the allocation of MUX1 – South West Sittingbourne. The allocation of this site for development is not supported by the evidence. The SA/SEA should clearly demonstrate how the reasonable alternatives have been assessed. The evidence base as a whole should indicate on what basis decisions have been made, in a clear and transparent manner. This should all be presented in a way that avoids a complex paper chase to understand how the conclusions have been reached. This has not been done. Instead, evidence has been produced late, and even at this key stage, is incomplete.
2. There is insufficient clarity about how the balance of growth between the Thames Gateway areas of Sittingbourne and the Isle of Sheppey has been agreed. The SA (para 5.3.4) set out that “There is a need to focus additional allocations at Sittingbourne, recognising the need to plan in-line with the established broad settlement strategy. However, at the same time, there is a need to recognise certain strategic constraints, notably in relation to landscape/settlement-separation/heritage sensitivities to the south (which is where site options are concentrated)”.

3. Whilst these issues have been recognised as strategic constraints, there is a now an assumption that these can be overcome which is not demonstrated by the evidence.
4. We also raise concerns about the SA/SEA process as follows:
5. We raised concerns through our modification representations about the assessment of the site through the site selection and SA/SEA processes; specifically, how the assessment has changed over time from the initial conclusion that the site was not developable to the proposed allocation of the site without justification.
6. In the initial Sustainability Appraisal (CD/003) the site is highlighted as having 2 areas of significant constraint; the first of these is landscape and the second is transport and accessibility.
7. Within the Ranked Assessment of Reasonable Non-Allocated Site Options to inform Modifications (SBC/PS/106) the site was assessed as being in Tier G, which is a category of sites which have a significant environmental constraint (Tier A are the best performing sites). It is assessed in the rankings as 62<sup>nd</sup> out of a total of 116 sites, with heritage highlighted as a significant constraint, and scoring a 2 for the landscape constraint (this is a constraint level that is assigned to those sites that intersect a 'Swale-level' Area of High Landscape Value'). Taking those sites in tier H out of the rankings (as they are smaller settlements, inappropriate for a large scale of development) reduces this number to 90 sites – therefore the site would be ranked 62<sup>nd</sup> out of 90 sites.
8. It is unclear, therefore, why the SA Report Addendum of June 2016 then made an assumption that SW Sittingbourne should be allocated, meaning that it was not properly assessed as a reasonable alternative, instead being assumed as a constant in the allocations process. This is not the correct process and represents a flaw in the assessment process, as the site was not assessed on a comparative basis with other sites that could be reasonable alternatives. There is no explanation as to how a site which is ranked so poorly can be assumed as appropriate for allocation. The necessary justification for the decision has not been demonstrated, and therefore the selection of the site fails this test of soundness.
9. In terms of reasonable alternatives, the studying of alternatives is a key part of the SA assessment and failure to comply will leave this plan vulnerable to future legal challenge. Chapter 9 of this report appraised the proposed modifications, including

SW Sittingbourne, taking account of proposed policy MUX1 when reaching conclusions on significant effects.

10. We have assessed the most recently published information from the Council; firstly, we raise concerns about the timescales of the publication of this, and whether the Council should be publishing information at this stage of the plan preparation process, particularly where this would appear to be a retrofitting exercise; to support decisions already made, and to explain, at this late stage, how they were made.
  
11. SBC/PS/120 is the post submission SA Report which was published in December 2016 and deals only with South West Sittingbourne. It sets out, in paragraph 3.1.2 that the aim is to explain the work undertaken in 2016. This document also starts to assess options which came forward during the main modifications consultation, appraising three different options – firstly, policy MUX1 as published, then option 2 which is the site promoters proposed amended Policy MUX1, and then option 3 which is HBA’s proposed amended policy MUX1. It is not clear why this assessment is being carried out now.

**2.5 Is the modified Plan based on an appropriate and justified approach to minimising the need to allocate the best and most versatile (BMV) agricultural land?**

1. No. Is it not clear how this key issue has been taken into account.
  
2. The majority of site, MUX1, South West Sittingbourne consists of high grade agricultural land which is a finite, irreplaceable resource. Paragraph 112 of the NPPF sets out that “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.
  
3. A significant economic contribution is made from this best and most versatile agricultural land, which needs to be taken into account in planning decisions. The Planning Practice Guidance confirms that the need to take into account the economic and other benefits of the agricultural land is “particularly important in plan making when decisions are made on which land should be allocated for development”.

4. The Council's own evidence base (as set out in SBC/PS/088: Agricultural Land Value in Swale) sets out that losses of the best and most versatile (BMV) land are likely to be irreversible, with the estimation that for every 100 hectares of BMV lost, £0.7 million to £1.7 million of output and between 5 and 13 jobs in agriculture could be lost.
  
5. However, whilst highlighted in the site assessments as an area of significance, there is no further information about how this issue has been reflected in the allocations process. Whilst we have read the Council's response to our modifications representation – which describes the loss as 'regrettable, but necessary', this does not explain how the spatial strategy as a whole has taken into account the issue of the extent of the BMV agricultural land.
  
6. The Council does not appear to give this issue sufficient importance, whereas it should have been fully assessed and balanced as part of the evidence base to inform the overall spatial distribution. The Council accepts that there is lower quality land available on Sheppey., but considers that there are viability and sustainability considerations in this area. However, Sheppey also lies within the area that has been defined as the Thames Gateway growth area and so (if the Council confirms that it wishes to continue with the existing spatial strategy) is a preferred location for a quantum of additional development, meaning that further consideration should be given to the potential of a higher proportion of growth being directed to this area.

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