

# Further Comments to Swale Borough Local Plan Main Modifications

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On behalf of T Ledger

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## **1 Introduction**

- 1.1 These comments take account of Swale Borough Council's response to the earlier representations of Mr T Ledger (the landowner). The Main Modifications with respect to the increased OAN and the strategic spatial options are supported and specifically the recognition that Iwade is a sustainable location and should be the recipient of over 572 dwellings (Policy AX5).
- 1.2 The Inspector will need to be satisfied that the new allocations put forward in the Main Modifications are justified by robust evidence. This will include the plans approach to the consideration of land that is designated as an Important Local Countryside Gap (ILCG) in order to pass the test of soundness.
- 1.3 These further representations also acknowledge paragraph 26 of the Inspector's Interim Findings from Feb 2016 that the "assessment makes it clear Important Local Countryside Gaps doesn't preclude allocation of sites within the gaps. This is consistent with DM Policy 25". It is asserted this comment does not infer that the Inspector sanctions the erosion of the designated gap when alternative sites are available. For Iwade expansion to the south can avoid this ILCG designation and achieve flood risk benefits for the whole of the settlement by controlling stream flow (the latter being a unique to all of the potential directions of expansion of Iwade).
- 1.4 The omission land to the south of Iwade is identified at Appendix 1. This site is acknowledged not to affect the designated Important Local Countryside Gap (ILCG) which is shown at Appendix 2.

## **2 Main Comments**

- 2.1 Since the Main Modifications were published, it is relevant the landowner has undertaken a screening opinion for an ES in advance of a potential outline planning application. The response of the LPA provided some important commentary on the main issues perceived as affecting expansion in this southward direction including the setting of the listed Coleshall Farm. This response is set out at Appendix 3 and is summarised below.

- Significant impacts from the development are unlikely, and even in combination with other allocations, an EIA is not necessary. This is because the development has very limited impacts with regard to its scale, massing, density, etc.
- Limited ecological impacts, with the possibility for ecological enhancement. Iwade Stream and Tree Clusters “provide the opportunity for localised pockets of ecological interest”;
- The site is not subject to any land designations or TPOs;
- Low archaeological potential;
- Change of Use from Agricultural to C3 is unlikely to lead to significant environmental impacts;
- Concerns regarding flood / pollution / waste can be dealt with through planning conditions to mitigate. The impacts are unlikely to be significant.

## CONCLUSION

- Although the proposed development would comprise Schedule 2 Development, in respect of Schedule 3 of the Regulations the proposed use and associated development would not have a significant urbanising effect and the cumulative impact of that use and development would be unlikely to result in any significant impact on the environment having regard to landscape, scale, pollution, noise and disturbance, biodiversity, sustainability, transportation, heritage and public safety. The site is not designated as a sensitive site warranting environmental assessment, concerns can be mitigated and the proposal would not give rise to significant environmental impacts.

In accordance with the Regulations, an Environmental Impact Assessment (EIA) would not be required to evaluate the potential impact of the proposal.

- 2.2 Swale BC’s response to the ES is inconsistent with the weighting applied in the SHLAA for example to the setting of the listed building which adjoins the omission site. The proposed allocation to the East of Iwade also lies close to a Grade 1 listed church but this did not influence the consideration of the site to the same degree at the SHLAA stage.
- 2.3 The Main Modifications (June 2016) states at paragraph 7.7.30 that the spatial approach to focus development pressures at major settlements translates to a “need

to prevent the coalescence and the erosion of the intrinsic character” of these areas. Paragraph 7.7.31 recognises that the character itself and setting of settlements is formed in part by their physical separation. Paragraph 7.7.34 suggests that ILCGs will provide additional emphasis when considering allocations. It is asserted that this approach has not been applied to the identification of the most suitable directions of growth at Iwade itself.

2.4 The emerging Swale Local Plan recognises that the retention of a Policy (DM25) and the identification of important Local Countryside Gaps is important. Swale BC’s own comments to the Local Plan Examination CD SBC/PS/064 under matter 6.3 recognised the function of the ICLG to;

- Maintain separation and character of settlements;
- Safeguard the open and undeveloped character;
- Prevent encroachment and piecemeal erosion;
- Influence decisions on the longer term development of settlement through the preparation and review of Local Plans.

2.5 Swale BC acknowledged that the retention of this policy was consistent with paragraphs 152 and 17 of NPPF and this recognised that planning should take account of the different roles and character of different areas.

2.6 In December 2014, Swale Borough Council concluded (paragraph 95) that the gap as identified by the Local Plan of 2008 “continues to be appropriate”. This statement is not reflected in the decision making of Swale Borough Council leading to the allocation of sites to the East of Iwade within the ILCG.

2.7 The evidence base for the selection of land to the east of Iwade is rooted in the Swale Urban Extension Landscape Capacity Study prepared by Jacobs in 2010 (CD/60b). This document assessed the sites purely in terms of landscape quality and did not take account of the ILCG. The “landscape only” findings showed that the capacity for change was Moderate to either the south or east of Iwade. It is accepted that the landscape to the East of Iwade is affected more by pylons and the existing road and urban influence however this factor should make the need to avoid further erosion of the gap even more of an influence on directions of expansion, especially when the proposed westward expansion of Sittingbourne is taken into account as identified on the attached plan at Appendix 4.

- 2.8 The SA Report June 2016 (SBC 105b) acknowledges under Site Appraisal Criteria 13 (page 54) that Local Countryside Gaps are a factor before noting “it is not appropriate to consider the setting of land designated as a local countryside gap”.
- 2.9 The Councils response suggests that the Main Modifications selection of the site to the East of Iwade was informed by a combination of the SHLAA, the SA and the ranking assessment of non-allocated sites. The SA did not take account of the ICLG. The methodology of the SHLAA was prepared to remove sites from selection at step 1 where there was a policy conflict. Para 56 of this core document (PS 037) identifies Ancient Woodland, AONB and locally designated wildlife site as a policy consideration but ILCGs were not accounted for. Land to the east of Iwade was for this reason unfairly elevated in the SHLAA with the omission “Ledger” land to the south (not affecting an ILCG) not progressing until trawl 3 of the SHLAA process, which placed it as a disadvantaged position.
- 2.10 These SA and SHLAA findings were then reported and overly influenced the later ranking assessment which led to the selection of land to the East of Iwade in the Main Modifications.
- 2.11 Despite being retained as a policy, the functional role of settlement ILCG gaps is recognised by the plan as important but the above demonstrates that the site selection process has ignored the function of the gap. The pressure on the function of the gap is compounded by the proposed allocations on the west side of Sittingbourne.

### **3 Conclusion**

- 3.1 Land to the south of Iwade does not affect the ICLG and this is a point that has not been duly considered when Swale was selecting the directions of growth of Iwade.
- 3.2 It is asserted that the plans approach is not informed by robust evidence and contradicts the Councils own policy in recognising the function and quality of the countryside gap. Policy DM25 has been endorsed as a policy for development management purposes. The Councils minutes of the LDF meeting dated 19<sup>th</sup> May 2016 (CD SBC/PS 108) sums up the approach; “Unless there is significant harm

upon the gap in question they should not be viewed as being overriding of development needs.”

- 3.3 These comments to justify large development allocations on both the Sittingbourne and Iwade sides of the A229 should be contrasted with the commentary in rejecting Site SL/450 (for 80 dwellings) on the east side of Iwade which stated; “This strip between Iwade and Sittingbourne is fragile and any development and any development is likely to put it at risk of conjoining the settlements”.
- 3.4 Sittingbourne is the largest urban area in the borough and is rightly the focus of expansion. Iwade to the north west of Sittingbourne is separated by a short distance. Iwade as a new village (identified originally by RPG) has expanded significantly from its central core and past growth has been planned comprehensively. The importance of maintaining the separate identities of Iwade and Sittingbourne and the narrow corridor dissected by the A249 has been guarded in the past by policy. Recent reviews of this gap including that undertaken for Swale in December 2014 recognised the important function of the gap. This objective is proposed to be brought forward under Policy DM25 of the emerging plan.
- 3.5 It is acknowledged that in readiness for the Local Plan Examination in the Autumn of 2015 and then after the Inspector’s Interim Report in February 2016, the LPA have looked at alternative options to accommodate the increased housing growth and it was right the scope for development in the gap areas needed to be re-evaluated. However, in cases where the gap could be avoided, because of the recognised function of this corridor it is contended that some negative weight should have been attributed to the encroachment of development into a narrow gap where both Iwade and Sittingbourne is proposed to deliver the significant number of houses in a sustainable way. This has not been a decision making factor in the assessment of potential directions of growth at Iwade.
- 3.6 However, the function of the gap has consistently not played a part in the assessment of sites that are capable of helping Iwade to expand in either;
- a. The Swale Urban Extension Landscape Study;
  - b. The later SHLAA. Indeed, the non ILCG option at Iwade (this omission site – land to the south of Iwade) was a “trawl 3 site” and considerably lower in the ranking than the land to the east;

- c. The SA reports also did not take into account the ILCG factor at Iwade;
  - d. Finally, the Ranking of Non-Allocated sites in October 2015 and updated in June 2016 did not take into account the erosion of the functionality of the gap in the assessment of options.
- 3.7 The updated SA and ranking of non-allocated sites (June 2016) appears to show that the differences between the expansion of Iwade to the south or east (not taking into account the ICLG) are now more finely balanced. The constraint of the listed Coleshall Farm at this later stage of the process is rightly acknowledged as less of an issue. The expansion of Iwade to the south is accessible to the recreation ground and doctor's surgery and the differences in walking distance to the village school is considered marginal. The LPA also overplay the advantage of siting development close to the junction with the A299. The comparative traffic impact of expansion to the south is limited and no highway evidence has been provided to suggest this represents a significant advantage relative to land to the south, which will deliver a public transport link through the site and provide a circulatory route around the village (this has been discussed and costed with the bus operator).
- 3.8 For these reasons, because of the approach of the Council to the OAN and the lack of desire to safeguard the ICLG (the qualities of which are recognised in the emerging Policy DM25), it is concluded that the plans approach to the choice of site selection at Iwade has not been supported by robust evidence and instead has been informed by studies that have disregarded the functional importance of the gap between Iwade and Sittingbourne which is inconsistent with policy objectives which support the retention of the policy.
- 3.9 For these reasons, the level of growth at Iwade is supported but, it is asserted, there are better options for the expansion of the settlement which should be preferred as an allocation to replace the proposed expansion to the east (Policy AX5). It is concluded that the Modifications are not sound plan as it has not been demonstrated with respect to Iwade that expansion to the east (Policy AX5) is the appropriate strategy when considered against the alternative of expansion to the south. The Main Modifications are also not sound because it is not consistent with national policy in that the consideration of the spatial directions of growth for Iwade has disregarded the ICLG Policy DM25.