

# CPRE Kent

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**Matter 4**

**ID429231**

Representation

Numbers: LP733

## Swale Borough Local Plan – Main Modifications

### **Matter 4: AX6 Land North of High Street, Newington**

**3.1 Is the allocation justified by robust evidence, including landscape character assessment and Sustainability Appraisal as the best option for delivering the borough’s housing.**

**3.2 Deliverable within the Plan Period?**

**3.3 Supported by robust infrastructure planning? Have all the infrastructure implications been identified and addressed in appropriate detail?**

**4.4 Supported by clear and deliverable measures to address transport implications of the proposed development?**

Additional CPRE comments on this site are set out at Comment LP733

1. While Sustainability Appraisal and ‘the ranked assessment of reasonable site options’, rightly assist with site selection, they are tools to assist with decision-making. In the case of landscape, for example, the assessment of sites does not assess whether sites are valued, only whether they are designated (or close to a designation). Site visit and detailed assessment is also essential. They are useful but ‘blunt’ tools and decisions must also be informed by consultation and with knowledge of the sites themselves.

2. This is especially the case in view of the recent appeal decision (APP/V2255/W/15/3067553 and APP/V2255/W/16/3148140) at the nearby Pond Farm site where landscape issues were crucial to the decision to reject the appeal and refuse planning permission.

3. CPRE believes that the indicative (June 2016) ‘Ranked Assessment of Non-allocated Site Options’ needs to be used with caution. For example, the issues associated the BMV land and air quality constraints have been omitted from the ranking assessment. Both are relevant to this site and are important issues.

4. Within the Sustainability Appraisal, the SA performs poorly in terms of AQMA, heritage impacts, loss of agricultural land. These issues appear not to have been given sufficient weight in the decision-making process.

5. In terms of BMV land, CPRE accepts that while lower quality agricultural land should be used in preference to BMV land, the settlement hierarchy must be relevant in sustainability terms for a proportion of the sites required. For sites, such as this, which is at tier 4 in the settlement hierarchy, there is a weaker argument for the release of valuable land. The Swale Borough Council summary and response sheet (SBC/PS/117: SBC/CSR/5) appears to suggest that tier 4 sites make a ‘contingency’ contribution beyond the numerical housing target. CPRE argues that ensuring that sites are deliverable is a much more critical task.

6. The importance of protecting air quality cannot be underestimated. Given the poor air quality in Newington, the urgency of meeting limit values for air pollutants should not be ignored. This urgency was given emphasis by the November 2016 ‘Client Earth’ decision by the High Court. The court found that the Government’s Air Quality Plan

should seek to achieve compliance by the earliest possible date, and that the Government has adopted too optimistic a model for future vehicle emissions.

7. Planning Practice Guidance (ID32-002-20140306) states that *'it is important to take into account air quality management areas and other areas where there could be specific requirements or limitations on new development because of air quality'*. The guidance goes on to say:

*"Drawing on the review of air quality carried out for the local air quality management regime, the Local Plan may need to consider:*

- *the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments;*
- *the impact of point sources of air pollution (pollution that originates from one place); and,*
- *ways in which new development would be appropriate in locations where air quality is or likely to be a concern and not give rise to unacceptable risks from pollution. This could be through, for example, identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable".*

8. Given the number of AQMAs on the A2 and the large number of sites that will add traffic to the A2, transport modelling and air quality assessment is required to predict the impacts of the development proposed. Assessing the cumulative impacts of development, together with transport interventions is critical to ensure local plan sites are deliverable.

9. A planning appeal decision at the nearby Pond Farm, Newington in January 2017 (APP/V2255/W/15/3067553 and APP/V2255/W/16/3148140), was refused in part because the appeal proposal was likely to have an effect on air quality. In respect of air quality, the Inspector concluded:

*Para 105 "Drawing all this together, I find that it is more probable than not that both appeal proposals would have at least a moderately adverse impact on air quality in the Newington and Rainham AQMAs, and thus a significant effect on human health. While measures are proposed to mitigate those adverse impacts, there is no clear evidence to demonstrate their likely effectiveness, and it may well be that the contributions to fund the measures fail to reflect the full scale of the impacts.*

*106. I therefore conclude on the eighth main issue that, even after taking into account the proposed mitigation measures, the appeal proposals are likely to have an adverse effect on air quality, particularly in the Newington and Rainham AQMAs. I reach this conclusion for the reasons set out above, notwithstanding that the Council raise no objection to the proposals on air quality grounds. Both proposals would thereby conflict with the guidance in NPPF paragraphs 120 and 124"*

10. It should be noted that the air quality evidence presented by the developers for this site relies on the so-called ADMS-Roads model. In a previous submission the CPRE showed that the accuracy of this model when applied to actual sites in Newington is very low and so evidence based on the model should be treated with caution

11. It is the view of CPRE that the evidence base is not sufficiently robust to demonstrate that this site is deliverable. Insufficient efforts have been made to demonstrate that the plan generally will not give rise to unacceptable risks to human health in terms of air pollution – both from individual sites and cumulatively. This is of course related to traffic flows and the council must demonstrate that additional traffic (cumulatively), together with proposed transport interventions do not have a harmful impact on congestion and reliability of the road network.