

**QUESTIONS FROM LYNSTED WITH KINGSDOWN PARISH COUNCIL TO THE CHIEF
EXECUTIVE OF SWALE BOROUGH COUNCIL**

Q1. Why is there little mention of Lynsted in the Draft Local Plan when the “Teynham Area of Opportunity” is being discussed, despite the fact that these proposals would have a seriously adverse effect on our Parish and both housing and roads/bypass would be built in Lynsted? Paragraph 5.5.44 states that “consultation with those who currently live and work in Teynham will be key”. What reassurance can you give us that the views of the residents of Lynsted will be taken into account? And what steps will you take to correct the errors in Policy A01? For example our stretch of the A2 London Road is not “Teynham High Street”, nor does Teynham have two parish councils.

A1. Local Plans tend to work on a settlement basis rather than by Parishes. For example, the sites at south and south east Faversham are pegged as Faversham sites even though much of the allocation falls within Selling Parish, Boughton Parish and in Graveney Parish. It is normal practice.

The master plan SPD would be a Council document and we would have overall responsibility for that but would need to work closely with the landowners, developers and more importantly, the communities. SPD consultation practices are quite different to local plan consultation practices because it is more focussed on a particular area or issue and tends to cover much more detail. We expect there to be early engagement in the SPD process – “front loading” – that would be workshops/exhibitions in tandem with the further technical work that needs to be undertaken so it is a more iterative process. We would also seek to work closely with the parish councils, not just through your input into the master plan SPD process, but also working with you to engage with your community and how best we can do that.

We can make minor amendments to the document and welcome your suggestions for an alternative form of words if you wish to do so. As part of the reg 19 work, we will ensure any errors in street names are rectified before the matter is considered by the Local Plan Panel

Q2. Are you aware that a petition calling for the removal from the Local Plan of the 1400+ houses and bypass in Teynham and Lynsted has been signed by over 1,000 residents? How do you intend to take these views into account?

A2. We are aware of the petition and a link to it is provided from the Council’s own website. We will ensure that it is considered along with all the other feedback to the local plan review. All of the views will be considered by the Local Plan Panel before it decides whether to submit the plan to the inspector. Petitions are also provided to the inspector along with copies of all of the other representations made under Regulation 19.

Q3. Back in 2018 there was a Reg 18 consultation called Looking Ahead, which was very broad in its scope and didn’t mention any specific areas where development could go. It was a general discussion to collect public opinion and inform residents of the issues the Council faced. There was a clear undertaking to take feedback into account and to then

publish a further Reg 18 consultation with options for people to consider. However, the Council has gone straight to Reg 19 – with a plan that now looks radically different to earlier drafts. A whole section of public engagement was therefore removed from the process. We’ve had no input on the content, and there are no choices for us to evaluate. Why was the “Teynham Area of Opportunity” not put to a Regulation 18 consultation? What changed in SBC thinking to skip the reasonably expected (2018 to 2020) Regulation 18b (Issues and Options) stage in favour of the highly constrained Regulation 19 final publication stage?

A3. The Regulation 18 consultation presented various options for consultation in terms of potential settlement / development strategies. These options covered:

1. Continuing with the existing approach i.e. at larger existing settlements.
2. Focusing on a number of 'key' settlements in locations that are sustainable or can be made so.
3. Minimising the loss of high quality agricultural land.
4. Focusing growth in a specific location(s), such as a new settlement.
5. Dispersing rural growth, e.g. across a wide range of villages.

Within the information provided at Regulation 18 stage, there is the inference of potential development at the main villages and that would by implication include the potential for a focus for development within the Teynham/Lynsted area. All Parish Councils had the opportunity to respond on the appropriateness in planning terms of the potential for growth at Teynham/Lynsted.

The “area of opportunity” is not an allocation as such but the identification as a broad location for development for the middle to later years of the Local Plan Review period. We accept that there needs to be significant masterplanning and community engagement towards establishing a formal Supplementary Planning Document (SPD) for the area of opportunity identified. This masterplan SPD will need to consider the appropriateness and options for any potential ‘link road’ both in terms of alignment and form. We anticipate that the SPD masterplan will need to involve significant community engagement and consultation and will take many years to finalise and adopt and as such we do not expect any development to come forward beyond that already allocated in the current Adopted Local Plan ‘Bearing Fruits’ within the Teynham area (including Lynsted with Kingsdown) within the first five years of the Plan.

In response to the Regulation 18 consultation, the Council did receive a very significant response from the community against the proposals for new garden communities, although there was some support for the urban extension at Faversham. Teynham was put forward as a suggested location for future development through the consultation process.

The consultation and engagement carried out at the Regulation 18 stage is sufficient and appropriate for the purposes of proceeding to Regulation 19. Indeed, the main issues raised during the Reg 18 have informed the content of the document.

Q4. What does SBC understand by the term “consultation” in the context of Regulation 19? There have been many statements by SBC Councillors and Officers to suggest there is scope for making changes to the Local Plan during this phase. But, we understand this is more suited to Regulation 18b (Issues and Options) rather than Regulation 19 (Publication). Our understanding from reading Planning Inspectorate and PAS documents is that there is no opportunity for substantive changes without the Council withdrawing and resubmitting the Plan under Reg19. Is this correct?

A4. The consultation the council is carrying out under Regulation 19 is to test the soundness of the plan in planning terms. There are four tests of soundness (positively prepared, justified, effective and consistent with national policy). There was no requirement for the council to undertake a further Reg 18 consultation. We are actively seeking views from the public on the soundness of our plan. You are correct that the council cannot make substantive changes, however, if there are concerns about the soundness of the plan following the Reg 19 consultation, the council will decide whether to submit to the inspector or withdraw the plan, make changes and undertake a further Reg 19 consultation.

Q5. We understand that the two Parish Councils most affected by the late emergence of a Teynham Area of Opportunity are “Statutory Consultees”. Why were they excluded from formative discussions? The Planning Advisory Service states clearly that: *“When formally notifying statutory consultees it is a good idea to send each of them a ‘bespoke’ letter signposting them to the key evidence relevant to their area of interest (including web links) to help them to respond. You may know where the information is but you shouldn’t expect them to have to try and find it – and some relevant evidence may be missed particularly if it is contained in a number of different documents. This may save you time later in the process and helps to develop a collaborative approach to plan making”.*

A5. We sent an early notice email to all 37 of the Parish and Town Council Clerks. Both this email and subsequent emails included contact details and a direct line to officers. A bespoke letter is something for us to think about for next time.

The decision to go to Reg 19 was taken by full council on 3 February and prior to that, in March last year when the Council approved the “Local Development Scheme” which is a document setting out the local plan programme.

Q6. Our understanding is that Local Plans submitted for consultation on “soundness” should be the same as those reaching the Inspector. And yet, several key documents are absent or still in draft. Isn’t this in contradiction to the rules as set out by Planning Inspectorate and PAS? Surely, this Local Plan is inherently unfinished and therefore “unsound”?

A6. Evidence should be proportionate and it is for the local planning authority to decide what evidence needs to be prepared to support their plan. Some of the evidence says “draft” because it wasn’t updated or because there is some additional information to be added that won’t change the outcome or the conclusions.

One piece of evidence that's absent is the final transport modelling work. We believe that the high level transport modelling evidence that was completed last year demonstrates that there are no "show stoppers". The final transport modelling work currently under way is more detailed and focussed than the previous modelling work. We are not expecting the final transport modelling work to conclude that there are insurmountable issues but similarly, we know that if the results don't show what we expect then we will have to reconsider our position.

Q7. It is clear from your original communications/consultation plan that very little communication or consultation with local residents and parish councils was intended. The statutory minimum consultation period, six sentences in Inside Swale, a complex website with poor search function, no public meetings and a charge of £25 levied for a printed copy. Why is it only because of the intense pressure from residents, parish councils, opposition councillors and a local MP that you are finally engaging with the community about something so important?

A7. We don't believe that the extension and increase in types of consultation was as a result of public pressure. I told your colleague at the beginning of February that we were actively looking at ways to extend the consultation. We have attended public meetings, have not charged for copies of the plan and have responded personally to every request for discussion. As I have said, if you feel residents of Lynsted require something in addition as part of the Reg 19 consultation, I would be happy to consider it.

Q8. If it is clear from the responses you receive that public opinion is significantly opposed to Policy A01, will you remove the "Teynham Area of Opportunity" from the Draft Local Plan before it is submitted to the Planning Inspector? We have several times heard the open threat of 600 new homes if this Policy is overturned. Is this correct? We can see no evidence in the Local Plan to support this number.

A8. It is not for officers to remove parts of the plan. Once all of the comments have been received, they will be analysed and the way forward agreed by the cross party Local Plan Panel. If there is significant opposition to Policy A01 – elected councillors will be made aware of this.

Q9. A key element to a 'sound' plan is that it takes into account the reasonable alternatives, based on proportionate evidence. Please share with us the evidence, including the scoring system used, that demonstrated that the TAoO was a better alternative to the garden villages that were consulted on in the Reg 18 process.

A9. The alternatives were set out in the sustainability appraisal which is available on the councils website. The preparation of the Sustainability Appraisal is an iterative process and is interlinked with local plan preparation.

You might be interested to note that the development strategy in a local plan does not need to be "the most appropriate" but "an appropriate" strategy. This is because most appropriate is a subjective term and what is most appropriate to one person may be least appropriate to another. As part of the process, various options are considered.

Q10. A second key element to a sound plan is that it is deliverable over the plan period. How is this plan deliverable when there are no agreements with landowners, no transport modelling, no air quality modelling, no infrastructure planning, no agreement with KCC to a Joint Transport Strategy and no identified source of funding for the bypass?

A10. The majority of the sites in the plan came from the developers contacting the council. For the plan to go forward we have to identify deliverable sites for the first 5 years of the plan and developable sites for the years after that. Teynham area of opportunity is considered to be developable. Work is ongoing with landowners and we expect to have co-ordinated affirmations from various landowners to pursuing a comprehensive approach to development within the Area of Opportunity through the development of a Masterplan SPD.

Q11. How is this plan consistent with the policies in the NPPF, in particular the importance of using Lower Grade land first, rather than BMV land?

A11. 60% of the Borough is covered by a high level constraint as defined by footnote 6 of paragraph 11d of the NPPF. Of the remaining 40%, most is covered by other constraints, e.g. local landscape designations or indeed BMV land. There really are no easy choices.

Q12. Our belief is that the plan is unsound as it has not been tested through an Issues and Options consultation. What is your response to this?

A12. This is not a view we share but strongly encourage you to respond to the consultation saying that you believe the plan to be unsound and why

Q13. We have been advised by the Cabinet Member for Planning that the sites for housing are NOT allocations. However, the section of the plan that includes the TAoO is headed "Land allocations for new development". In a presentation to the Swale Area Committee, a map was shared that showed "proposed housing allocations" in Lynsted and Teynham. May we please have clarity as to whether these sites are allocations, or not. If they are not allocations, what will you say to the Inspector on five-year land supply without the 1,100 homes?

A13. Teynham area of opportunity (Including Lynsted) is exactly that - an area of opportunity. This is, in effect a "future allocation" It is a broad location for growth for years 6 to 10 and onwards of the plan period.

We can amend the terminology in the submission plan to make a greater distinction.

There is still a lot of work to do on the detail. We have not carried out a master plan so we can't say exactly where the homes would be built. The numbers for the TAoO are not included in the 5 year supply

Q14. We have been asked to suggest alternative locations for the housing. We would put forward a) brownfield sites, b) the Bobbing Garden Village and c) the West Teynham end of the plan from Quinn Estates. Please share with us the issues and options analysis that has been carried out on these alternative sites versus the TAoO. In particular, what options analysis led SBC to decide against the demonstrably deliverable Bobbing Garden Village (2,500-3,000 homes) capable of future expansion, in favour of what appears to be the more problematic, out-of-scale and speculative Teynham Area of Opportunity?

A14. Please do make those suggestions in your representations. The analysis of options is contained within the Sustainability Appraisal interim report and final report.

Please note that there is no requirement for the development strategy in a local plan to be the “most appropriate”. The requirement is for the development strategy to be “an appropriate strategy” which we believe this is.

The proposals for SE Faversham is for an urban expansion.

Q15. Are you aware that these proposals conflict with adopted Supplementary Planning Guidance – the Lynsted Parish Design statement? In particular, the important historic pattern of development along the A2 and its rural lanes at “one building deep” leading to the identification of a Sensitive Edge immediately behind homes in our Parish on the south side of the A2? The only other “Sensitive Edge” is also threatened by the TAoO bypass proposal as it crosses into the Lyn Valley behind Cellar Hill Conservation Area. This is a delicate and rare chalkland course of a nailbourne.

A15. The Lynsted Parish Design Statement is a fantastic document that adds a lot of value to the planners’ toolkit although noting it was adopted in 2002, it has limited weight.

The Local Plan Review, when adopted will over-ride it where there are conflicts as it will have full weight and take precedence.

Q16. If the TAoO is to be developed as Supplementary Planning Guidance, should it not sit alongside the plan as opposed to being included within it – in order to allow a proper test of assumptions and to engage in public debate in its formation? By going straight to Reg 19, all future discussion will be limited to ‘how’ it should be implemented, rather than ‘whether’ the policy should exist at all.

A16. Before SPD can be adopted, it needs to be able to ‘hook’ into a ‘parent’ policy so the SPD would come after the Local Plan Review is adopted. It is an amplification of the local plan policy. We are first seeking agreement of the principle of development in this broad location and to set out some high level parameters but these will evolve through time as the SPD process progresses. The policy is the local plan – the inspector will look at the Teynham area of opportunity as that in its own right.

Q17. Who is the third party that will be responsible for collating all the feedback and submitting it to the Inspector? Will you provide us with a full copy of their report at the same time as it goes forward to the Inspector?

A17. The local plans team are responsible for collating all of the feedback and submitting it to the Inspector. All of the comments received will be available to view. In fact, those made via the online system are already available to view. The team will be preparing a summary of the main issues raised. This is a requirement. We will not be able to submit without this. This will hopefully be reported to the Local Plan Panel in July but a date is not confirmed and, of course we don't know if this will be achievable as we don't know how many comments we will receive by the deadline – it may take us longer but that is what we are aiming for.

That summary of main issues will be published on the website when it is reported to the Local Plan Panel and again when we submit.

We believe the third party you refer to is the Programme Officer? We need to have a PO in place before we submit. The PO is a specialist programme manager role and acts as the go between for the Inspector, the Council and third parties. Nobody gets direct access to the Inspector, everything goes through the PO and similarly, if the Inspector wants something it goes through the PO.

Q18. Do you believe that the consultation process has been in accordance with your published Statement of Community Involvement? Please demonstrate how you have complied with it. Why were changes made to it on the day the Reg19 was launched, without public engagement to explain?

A18. We believe that our consultation process is in accordance with our published Statement of Community Involvement. Looking at what consultation we have carried out and are still carrying out in the circumstances of the pandemic, we can demonstrate we have met the statement of community involvement. An addendum was made to the SCI to address difficulties in light of the covid pandemic. We don't believe any changes were made to the local plan or the SCI on the day the Reg 19 was launched.

Q19. Where exactly will the bypass go? How can residents comment on the Plan if the route is not specified? If the Plan is adopted, and therefore the concept of the bypass is approved, surely it becomes harder for residents to object when a route is finally revealed?

A19. We don't know the answer to this. Residents can comment on the principle of development in this location and the broad development parameters contained in the policy. There will be an opportunity to comment on the principle and/or potential alignment of any route through the SPD process.

Q20. What is SBC, either alone or ideally in conjunction with other KCC borough councils doing to challenge central government about housing allocations/need. Particularly in light of COP26 and the serious short-termism, from a sustainability point of view, of building on countryside.... Adjacent to low lying coastal land, in locations already stressed by pollution?

A20. The council, and local MP's have advised the government on many occasions that we consider we are being asked to plan for too many homes. However, we must meet the figures the government has required of us. We are unable to definitively demonstrate the Borough cannot accommodate these numbers.

Q21. Since when was building a new road a solution to traffic? A CPRE study shows that new roads attract more traffic even before new houses are added into the equation (*"The end of the road? Challenging the road building consensus" March 2017*)

A21. This is a matter for the masterplan – how we handle transportation and highways issues will need to be addressed in detail through that document.

Married with this approach is an ambitious transport plan that seeks to encourage more active travel and support public transport so that there are genuine alternatives to private car travel, particularly where the A2 corridor between Sittingbourne and Faversham and Brenley Corner is concerned.

Q22. We understand that the KCC Highways logo had to be removed from the transport plan because they had not been consulted. Is this correct?

A22. The Transport Plan is a Swale Borough Council document. We have worked closely with KCC on the procurement and completion of this document. We removed the KCC logo from the draft received by the consultant at KCC's request. KCC cannot put their name to this document before it has been through the relevant committees

Q23. Could you tell us how many of the councillors that sit on the Local Plan Panel, and how many of the wards those councillors represent, would have been affected (directly) by the garden village proposals? We ask this as a purely presentational/communication issue as social media comments have been highly charged, so it would be good to have the facts.

A23. [Committee details - Local Plan Panel \(swale.gov.uk\)](https://www.swale.gov.uk/committees/committees-local-plan-panel) for membership details of the Local Plan Panel. It is a cross party advisory board that makes recommendation to Cabinet. All borough councillors receive the papers for the LPP and are welcome to attend and to speak at the meetings.

Q24. A report commissioned by SBC and published in January 2021 recommended an "Important Local Countryside Gap" between Teynham and Lynsted. Why is SBC ignoring the findings of its own report and proposing the building of houses and a bypass in, and through, this Gap?

A24. This report makes recommendations about where the LICG should go. We considered this in light of the need to have a broad outline for the Area of Opportunity. If we had taken the recommendation to the letter, there would be no guarantee that this would be able to endure as a designation through the masterplan process. We have drawn the line where we have to allow for maximum flexibility. This does not mean that the land in the overlap is available for development, it just means we recognise there is more work to do.

Q25. How do you intend to mitigate roadside pollution at each of the three adjacent AQMAs? We believe that pollution will not be solved by a bypass, simply displaced at best.

A25. We believe that the air quality and traffic evidence supporting the plan to date shows that there would not be any significant adverse impacts on the AQMAs with appropriate mitigation. The details of any mitigation would need to meet the criteria in the proposed policy. We also have an AQ policy and further detailed information would need to be provided through the master planning process and then through the development management process in due course.