

## LYNSTED with KINGSDOWN PARISH COUNCIL

Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN



8 February 2023

**Proposal: Outline application for the erection of up to 10no. residential dwellings with associated landscaping, road layout and parking. (Access being sought). Location: Land To The East Of Lynsted Lane, Lynsted Kent**

**PINS reference: APP/V2255/W/22/3305059**

**SBC reference: 21/502609/OUT**

Dear Sirs

The site for the above proposed development is situated in Lynsted with Kingsdown Parish. This Parish Council has already submitted copious correspondence outlining its position. We understand that, under the terms of the Written Representations process, our extant documentation will be reviewed by the Planning Inspector. Therefore, in the interests of brevity, we will not repeat our previous objections here but will rather focus on matters that have materialised or surfaced since the date of refusal of the application by Swale Borough Council (SBC).

### **New direction in Government policy**

The local community is vehemently opposed to this application. The SBC planning portal records some 217 letters of objection from residents – a remarkable level of opposition for a development of this scale.

In a letter to all MPs dated 5 December 2022, The Secretary of State for Levelling Up, Housing and Communities stated: “My changes will instruct the Planning Inspectorate that they should no longer override sensible local decision making, which is sensitive to and reflects local constraints and concerns. Overall this...will give local communities a greater say in what is built in their neighbourhood”.

We would argue that the refusal of this application by SBC’s planning committee equates to sensible local decision making, sensitive to local concerns. We would therefore urge the Inspector to heed this new direction in Government policy.

### **Further decline in local services = unsustainable development**

Para 105 of the NPPF states that “development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health”.

It is inconceivable that the extra traffic movements generated by a new housing estate will result in any such improvement and there are no mitigating factors in the developer’s proposal.

The decline in services and retail outlets over the past 20 years in the Teynham area has already been well documented. Since the refusal of this application by SBC, there has been further serious erosion.

**Firstly**, Kent County Council has axed subsidies to rural bus routes, resulting in a major decline in public transport. With effect from 12 February 2023, there will no longer be a single bus service in the Parish of Lynsted with Kingsdown.

The following local services will be withdrawn or cut from 12 February:

Sittingbourne to Bapchild, Teynham and Conyer (Route 8). Withdrawal of six off peak journeys

Newnham, Doddington, Lynsted, Teynham, Bapchild and Conyer to Sittingbourne (Routes 343, 344, 345). Complete withdrawal of all three services. The service currently operates Monday to Saturday providing the only public transport between these rural village areas and Sittingbourne, including journeys for school children

Teynham to Faversham schools (Route 662). Withdrawal of school day only service

Conyer to Lynsted Primary School (Route 664). Withdrawal of school day only service

These bus cuts will inevitably result in increased traffic movements. The railway service from Teynham station is infrequent. Trains only run hourly during the day towards both Sittingbourne and Faversham.

Further, Teynham rail station is not even within reasonable walking distance of the proposed new development and cycling along the A2 is hazardous.

**Secondly**, the one remaining GP surgery in Teynham has closed its doors, with residents obliged to travel to re-located premises in Sittingbourne – again, increasing use of the private car.

This proposed development is manifestly unsustainable.

### **Contravention of NPPF – new air pollution data**

The underpinning thread in favour of reducing air (and other) pollution finds expression throughout the NPPF. Para 185 states that “planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health”.

Based on recently conducted analysis of modelling from Imperial College in partnership with DEFRA, pollution exceedances above WHO thresholds for harm (NO<sub>2</sub>, PM<sub>2.5</sub> and PM<sub>10</sub>) are indicated throughout the Parish across all pollutants. SEE APPENDIX B.

Imperial College's use of colour bands corresponds to the deciles in which our addresses fall when compared to the national picture. So purple means that we are in the worst polluted addresses in the country. Red takes you down one level of "deciles" into the second worst addresses on the national scale and so on.

It might be helpful to explain how to interpret this data, taking the example of 74 London Road ME9 9QN which is situated on the corner of the A2 and Lynsted Lane.

### **Pollutant one: PM<sub>2.5</sub>**

At this address, the annual average of the pollutant PM<sub>2.5</sub> is 11.29mcg/m<sup>3</sup>. The World Health Organization (WHO) limit is 5mcg/m<sup>3</sup>.

This study shows 19.9% of strokes were attributed to exposure (for a year or more) of PM<sub>2.5</sub> concentrations exceeding 10mcg/m<sup>3</sup>.

PM<sub>2.5</sub> can also cause asthma, jeopardize lung functions and promote cancer.

### **Pollutant two: PM<sub>10</sub>**

The reading for PM<sub>10</sub> at this address is 19.16mcg/m<sup>3</sup>. The WHO limit is 15mcg/m<sup>3</sup>.

Cardiovascular mortality increases by 0.76% and respiratory mortality by 0.58% for every 10mcg/m<sup>3</sup> increase of PM<sub>10</sub>.

PM<sub>10</sub> can cause wheezing, bronchitis and reduce lung development.

### **Pollutant three: NO<sub>2</sub>**

The reading for NO<sub>2</sub> at this address is 29.55mcg/m<sup>3</sup> – nearly treble the WHO limit of 10mcg/m<sup>3</sup>.

Long term exposure to even low levels of this toxic gas increases mortality rates and contributes to the development of asthma, and other respiratory issues.

But even addresses as far south as Fir Tree Cottage, further down Lynsted Lane, fall between the 60<sup>th</sup> and 80<sup>th</sup> (RED) deciles for dangerously polluted addresses in the UK. Fir Tree Cottage marks the southern limit of the whole development plot proposed for fifty homes along the east side of Lynsted Lane to the A2. Fifty homes have been identified by the developer in their bid into the Local Plan Review – the ten homes identified in this application are only the start in pursuit of approval for adding an estate access onto Lynsted Lane close to the A2 junction.

The last thing residents need along this rural lane is urbanisation leading to the creation of a 'pollution canyon' trapping and concentrating emission and friction-based pollutants - as vehicles seek to navigate their way through the sinuous lane as it approaches the narrowing part of the lane between the development junction and the adjacent A2 junction. This then becomes a designated Air Quality Management Area on the A2 (AQMA5) heading towards Station Road.

Because of the topography along this section of the A2 (single thoroughfare, increasing levels of traffic, complexity leading to congestion as people navigate junctions, parked cars, van deliveries etc) the houses are suffering an increasingly harmful set of conditions. Made much worse where the historic pattern of development means most of the homes front directly onto the A2 itself. Therefore, no mitigation is possible.

Air pollution in this area is directly comparable to that found in built up towns and cities. The building of new houses means increased levels of traffic which, in turn, exacerbates the effects of pollution on health in contravention of Paras 105 and 185 of the NPPF.

### **Deficient highways report**

Facing rejection of this proposal by the Planning Committee in March 2022, the SBC Head of Planning called in the proposal for further independent technical advice on highway/traffic impacts, adequacy of parking and bus-route impacts. This Parish Council submitted a Freedom of Information Request to better understand the support of SBC planning officers for the proposed development. Despite knowledge to the contrary, at no time did Council planners ‘join the dots’ between the developer’s Local Plan Review submission for fifty homes and the present application for ten homes.

An email dated 16 March 2022 states that planning committee members spoke against the recommendation of officers “and raised concerns relating to highway impacts (*despite KCC Highways raising no objection to the schemes subject to conditions*)”. [The italics are our emphasis].

The brief states the requirement for “an overall assessment of the highway impacts of the development including a view as to whether it is considered that the application is policy compliant in this respect”.

Upon reviewing the subsequent report prepared by their contractors Project Centre (Marston Holdings), the SBC planning officer requested the following amendment: “**Just to be clear, please could you include a few words to say that in your view the scheme is compliant with the relevant highway policies....**”

This intervention appears on the face of it to be prejudicial to the ‘independence’ of the report.

Concern was expressed by members of the SBC planning committee that this highways report did not examine the impact of the new development on the nearby junction with the A2. Certainly, the brief referred to above makes no mention of this important junction.

The Terms of Reference for the Technical Note and subsequent exchanges with the independent consultants failed to take account of ‘real world’ conditions – even if the development were to stop at ten homes. It is evident that exchanges between SBC and Project Centre quickly became very narrowly focussed.

- a. **Inappropriate use of ‘Give Way’ Signage on Lynsted Lane.** The Planning Authority didn’t ask for an assessment of the proposed use of ‘Give Way’ signage some fifty metres away from the A2 junction. This signage demands that drivers assess oncoming traffic from the A2 without line of sight onto the A2! From fifty metres distance, A2 traffic is hidden by The George pub on one corner of the A2 junction and New House Farm on the other corner. In short, under ‘real world’ conditions, the ‘Give Way’ sign is

misleading and may even be dangerous. Vehicles joining Lynsted Lane from the new estate will further complicate the decision-making and safety of road-users and pedestrians. This option is the developer's bid to mitigate to an acceptable degree the perceived 'network issues' – but, throughout, the impacts of a new junction onto Lynsted Lane are hardly discussed. Indeed, the plans submitted by the developers do not show the A2 at all. It is excluded from maps and diagrams. Anyone without local knowledge might conclude that the A2 junction is irrelevant, or even non-existent, along with its AQMA5.

- b. **Turning circles for large vehicles turning left (south) out of the estate.** The tolerances were so fine that clarification was sought on whether the apparent clipping of pavements was a result of thick drawing lines! Reassurances were given but we must conclude that the design parameters fail to take into account potential for 'imperfect' positioning in practical terms.

Consequently, this proposal for access underplays the risk to pedestrians as well as to existing homes that face directly onto the pavements, perilously close to the arc of an idealised turning circle. No account is given regarding increases in physical risk to homes, noise, pollution and vibration from the mix of traffic from service vehicles, agricultural vehicles, buses, and the modern private SUVs trying to negotiate the new road layout.

Discussion of turning circles is exclusively focused on left-hand turns out of the estate. No account is given on the addition of estate traffic (domestic and commercial) feeding into the narrowing Lynsted Lane to the right (travelling north) governed by the ambiguous use of 'Give Way' signage and unsighted traffic from the A2.

- c. **Five reserved parking spaces** in the new estate is acquiesced to by SBC and the developers in their review. The Terms of Reference for the independent review failed to consider (i) the reality that such spaces will be taken by the new residents; (ii) the increased risks to existing residents having to cross Lynsted Lane to reach those 'reserved' parking spaces. Currently, residents are able to park outside their homes, thereby creating refuges for pedestrians where the pavement is so narrow that two people cannot pass each other without stepping into the lane; (iii) no account is taken of the safety of disabled and elderly residents trying to exit their own properties without protection and a narrow pavement; and (iv) the Consultants assert "...any loss of parking on Lynsted Lane can be accommodated elsewhere along the road, within a suitable walking distance". Thereby diminishing the value of existing residents' rights of enjoyment and personal safety simply to accommodate new residents.
- d. **Additional harm to sustainability of our declining local economy.** The new road layout (forbidding parking close to the London Road using double-yellow lines) will discourage footfall to the local shops and services from surrounding villages and hamlets, including Kingsdown, Newnham and Doddington. Throughout the working day, there is currently a constant churn of people parking in Lynsted Lane to access shops on the A2. Lack of convenient parking will send these shoppers further afield to Faversham or Sittingbourne.
- e. **Conflict with Carbon Neutrality policies.** The Consultants found that "no evidence was submitted in relation to discouraging car use". This assessment places the development in direct opposition to the Council's 'carbon neutrality' policies. However,

they did “acknowledge the proposed footpath extension on Lynsted Lane, which will accommodate trips to the village on foot.” The consultants neglect to mention that the ‘footpath extension’ is on the other side of the lane for existing residents. Train and bus connections are not considered ‘good’ as presented in the Transport Statement. Bus services are “infrequent” making their use “unattractive”. As mentioned above, from 12 February 2023 these services will not merely be infrequent, they will be virtually non-existent.

- f. **Alleged *de minimis* impact from ‘ten’ homes flagrantly ignores the certain and documented knowledge that the developers have planned for fifty homes once ‘Access’ is conceded.**

It is important that the Inspector understands the wider context and the loss or absence of evidence from KCC that rejected a comparable site for 86 new homes accessing Lynsted Lane some 240m distance from the A2. The development under Appeal will bring traffic generated by, ultimately, 50 new homes a mere 50m from the A2.

#### **Increase in vehicle movements**

Even under current conditions, congestion regularly affects the A2 and Lynsted Lane. A manual traffic count was undertaken recently by a local resident using DfT guidelines (based on a 24-hour video recording 21st-22nd July 2022). This count took place before the 'skewing' impact of diversions from major upgrading operations to M2/J5 and Bobbing/A249 Roundabout. It shows daily traffic levels have risen to 15,691 vehicles per day, a significant rise on the 14,000 movements per day recorded by the DfT manual count in 2019. That is a 12% increase in traffic along a stretch of road with no alternative routes between our two principal towns that might allow mitigation. With more, much larger, developments already permitted under the current Local Plan in nearby Bapchild and Ospringe, the pollution burden on residents will increase markedly, flowing from worsening congestion. This situation must not be exacerbated further by yet more housing.

We trust that the Inspector will take the above observations into account when determining this Appeal.

Yours faithfully

**JULIEN SPEED MA (Cantab)**  
**Chairman**  
**Lynsted with Kingsdown Parish Council**

## APPENDIX A

*Picture taken Saturday 12 November 2022, looking up Lynsted Lane towards the junction with the A2. The bus is stuck, and traffic cannot get through. The bus could have been an emergency vehicle. Access to the proposed development is to the right of picture.*



## APPENDIX B

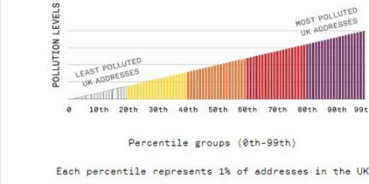
Source: [addresspollution.org](http://addresspollution.org) Commissioned by the Central Office of Public Interest, scientists at Imperial College have undertaken detailed analysis of mean levels of pollution. Dividing the UK into 20m-by-20m squares and using emissions data to model concentration levels. They found that the air on doorsteps of nearly eight million homes in the UK, exceed at least one of the World Health Organisation's proposed limits for particulate matter or nitrogen dioxide (NO2).

There is a strong legal argument that estate agents would be in breach of the Consumer Protection from Unfair Trading Regulations 2008 if they failed to inform prospective buyers that pollution outside a property could harm health. Surveyors and solicitors have similar obligations.

Since last year the estate agent trade body has asked owners to disclose poor local air quality before they put their homes up for sale or rent.

**FIGURES UPDATED BY ICSTM APRIL 2022**

Every address in the UK has been ranked according to its air pollution levels, relative to other addresses in the country. This number, the percentile ranking, makes it easy to compare addresses.



	Address	PM2.5 No healthy limit of PM2.5. Can cause asthma, respiratory inflammation and promote cancers	WHO limit is 5mcg/m3	PM10 No healthy limit of PM10. PM10 affects lung development in children.	WHO limit is 15mcg/m3	NO2 Exposure (for a year or more) to 30mcg leads to a 5.5% increased risk of disease related mortality.	WHO limit is 10mcg/m3	Trajectory since 2021 figures
<b>London Road West to East</b>								
MES 9PX	Claxfield Farmhouse, London Road	10.68		17.56		13.01		↑
<b>Junction with Claxfield Lane</b>								
MES 9PT	Side View, London Road	11.26		18.9		24.9		↑
	3 Claxfield Villas, London Road	11.26		18.9		24.9		↑
	5 Claxfield Villas, London Road	11.26		18.9		24.9		↑
MES 9QA	Internet Warehouse, London Road	10.71		17.7		14.14		↑
MES 9QD	226 London Road	10.81		17.92		16.16		↑
	200 London Road	10.8		17.92		17.92		↑
	182 London Road	10.99		18.35		19.91		↑
	178 London Road	11.28		19.01		25.25		↑
	176 London Road	11.28		19.01		25.35		↑
	168 London Road	11.18		19.8		23.86		↑
MES 9QH	156 London Road	11.29		19.05		26.54		↑
	152 London Road	10.61		17.85		15.57		↑
	Belle Friday Centre	10.76		17.85		15.57		↑
	150a London Road	11.34		19.19		25.33		↑
	150 London Road	11.34		19.19		25.33		↑
	148 London Road	11.34		19.19		25.33		↑
	146 London Road	10.78		17.94		15.02		↑
	144 London Road	11.61		19.79		29.98		↑
(MES 9RE)	1 Harcourt Villas - field to rear of MES 9QH	10.64		17.59		18.28mcg		↑
MES 9QH cont	140b London Road	11.17		18.83		22.45		↑
	Woodthorpe Cottage, 138 London Road	10.77		17.9		16.09		↑
	122 London Road (Popes House)	10.94		18.29		19.55		↑
	120 London Road	10.94		18.29		19.55		↑
	118 London Road (Crooked House)	11.74		19.48		28.86		↑
	112 London Road	10.7		17.77		15.21		↑
	110 London Road	11.12		18.72		23.31		↑
	100 London Road	11.24		18.72		23.11		↑
	98 London Road	11.43		19.41		28.42		↑
	Wisteria Mews, London Road	10.06		17.49		13.78		↑
	92 London Road	11.11		18.7		23		↑
	90 London Road	11.11		18.7		23		↑
	Weston Model Centre	10.7		17.8		15.67		↑
	Swaleside Veterinary Surgery, 82 London Rd	10.7		17.8		15.65		↑
	Artisan, 80 London Road	10.7		17.8		15.65		↑
	The Swan Inn, 78 London Road	11.22		18.97		25.29		↑
	The George Inn, 76 London Road	10.71		17.82		16.53		↑
<b>Junction with Lynsted Lane</b>								
MES 9QN	74 London Road	11.29		19.16		29.55		↑
	72 London Road	10.71		17.83		16.51		↑
	70 London Road	10.71		17.83		16.51		↑
	F J Williams 60 London Road	10.63		17.65		14.76		↑
	56 London Road	10.68		17.78		15.78		↑
	Polka Dot, London Road	11.11		18.75		23.79		↑
	54 London Road	11.11		18.75		23.79		↑
	52 London Road	11.11		18.75		23.79		↑
	50 London Road	10.62		17.65		14.71		↑
	48 London Road	10.62		17.65		14.71		↑



	46 London Road (next to Pelican Crossing)	10.67	17.76	15.68	
	44 London Road	10.67	17.76	15.68	
	42 London Road (old Reads Butchers)	10.67	17.76	15.68	
	40 London Road	11.16	18.86	24.8	↑
	38 London Road	10.61	17.63	14.69	
	36 London Road	10.66	17.76	15.88	
	34 London Road	10.66	17.76	16.88	↑
	32 London Road	10.57	17.54	13.92	
Junction of Station Road					
MES 9QS	28 London Road	11.17	18.91	25.63	↑
	Dover Castle, London Road	11.04	18.62	23.05	↑
	16 London Road	11.11	18.79	24.51	↑
	14 London Road	11.11	18.79	24.51	↑
	12 London Road	11.11	18.79	24.51	↑
	Forge Cottage, London Road	10.58	17.62	15.63	↑
Junction with Cellar Hill					
MES 9JD	1 Orchard House, London Road	10.5	17.62	14.3	↑
Cellar Hill/Cambridge Lane					
MES 9QY	1 Cellar Hill	10.51	17.48	15.13	↑
	Cellar Hill Cottage	10.41	17.29	13.02	↑
	The Old Thatched Cottage, Cellar Hill	10.47	17.45	17.51	↑
MES 9JB	Cambridge, Cambridge Lane	10.41	17.27	13.32	↑
Lynsted Lane/Batteries Close/John Nash Close (From London Road to Errlottwood)					
MES 9RS	1 Lynsted Lane	10.7	17.82	19.81	↑
	2 Lynsted Lane	10.59	17.56	14.49	
MES 9RP	Sheerluck, Lynsted Lane	10.59	17.54	13.58	↑
	Rose House, Lynsted Lane	10.6	17.59	15.5	
	Pleasant View, Lynsted Lane	10.6	17.59	15.5	
MES 9RR	1 School House, Lynsted Lane	10.6	17.59	15.5	
	2 School House, Lynsted Lane	10.6	17.59	15.5	
	Methodist Church, Lynsted Lane	10.57	17.52	13.89	
MES 9RP	Oxford House, Lynsted Lane	10.57	17.52	13.89	
	6 Lynsted Lane	10.62	17.63	16.11	
	7 Lynsted Lane	10.62	17.63	16.11	
	8 Lynsted Lane	10.62	17.63	16.11	
	9 Lynsted Lane (Providence House)	10.62	17.63	16.11	
	9a Lynsted Lane	10.62	17.63	16.11	
MES 9RN	1 Holly Bank, Lynsted Lane	10.59	17.56	13.52	
	2 Holly Bank, Lynsted Lane	10.59	17.56	13.52	
	Alrona, Lynsted Lane	10.59	17.56	13.52	
	Orchard House, Lynsted Lane	10.59	17.56	13.52	↑
MES 9RJ	Fir Tree Cottage, Lynsted Lane	10.59	17.59	17.07	↑