

LYNSTED with KINGSDOWN PARISH COUNCIL

31 March 2023

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



Dear Sirs

Proposal: **Erection of 5no. dwellings with associated amenity, landscaping and access at land east of Cellar Hill, Lynsted, as amended by drawings and information submitted on 27th January 2022**

Location: **Land at Cellar Hill, Lynsted**

SBC Reference: **21/505794/FULL**

PINS reference: **APP/V2255/W/22/3306232**

The land for the above proposed development is situated in Lynsted with Kingsdown Parish. The site is not in Teynham, as suggested by some of the documentation submitted by the appellant's representative, DHA Planning (DHA).

Swale Borough Council (SBC) differentiates locations by means of a six-tier system. Teynham is categorised as Tier 4, Rural Local Service Area. Lynsted is classed as Tier 5, Village with Built Up Area Boundary. The site is located well within Lynsted.

The appeal was discussed at a recent meeting of Lynsted with Kingsdown Parish Council. The meeting was attended by several residents of Cellar Hill who voiced their strong objections to the scheme. It was resolved to draw the following points to the attention of the Inspector.

Contravention of Policy ST3 of the Local Plan

We are concerned that the proposed development is in contravention of Policy ST3 of the Swale Local Plan. This states that "at locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities".

The Local Plan states, with reference to the Lynsted and Teynham area, that "South of the A2, the more linear development pattern, more open landscape, heritage and biodiversity considerations and high-quality agricultural land limit growth".

The proposed site is located outside the built-up area boundary and in the designated countryside South of the A2. National and local planning policies therefore restrict development in this location.

Contravention of Lynsted with Kingsdown Parish Design Statement

The Lynsted with Kingsdown Parish Design Statement, adopted as Supplementary Planning Guidance by SBC, underlines the importance of the preservation of this historic setting. It also identifies that the sensitive edge of the Lyn Valley should be safeguarded from development. This application borders on that edge and the gardens/outbuildings would spill into the Lyn Valley.

New Government planning policies

DHA acknowledges there is conflict with policies ST1, ST3 and CP3 of the Local Plan. They claim that because SBC cannot demonstrate a five-year housing land supply, the weight that should be afforded to any such conflict is significantly reduced. However, current Government thinking (albeit not yet enshrined in law) is that the obligation on local authorities to maintain a rolling five-year supply of land for housing will be removed. Further, housing targets will become advisory not mandatory. Areas will not be expected to meet these targets where they are subject to genuine constraints. The Planning Inspectorate are being instructed that they should not override sensible local decision making, which is sensitive to and reflects local constraints and concerns – in order to give local communities a greater say in what is built in their neighbourhood.

Contravention of Policy CP2 of the Local Plan and Para 105 of NPPF

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”.

Over the past 20 years, around 35 retail outlets and service providers have disappeared from Teynham. DHA states at 4.2.25 that “there has not to our knowledge been a widespread loss of services or facilities within Teynham in the last two years”.

In recent months there has, on the contrary, been further serious erosion.

The one remaining GP surgery in Teynham has closed its doors, with residents obliged to travel to re-located premises in Sittingbourne. This has resulted in increased use of the private car.

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

The following local services have been withdrawn or cut:

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 are resulting in increased traffic movements. We note DHA’s frequent reference to “bus stops”. Unfortunately, very few buses actually stop at them.

We would not describe Teynham as having a “frequently served train station”. During the day, other than at peak commuting times, services are limited to one per hour in the direction of Sittingbourne and Faversham.

Teynham rail station is, in any event, a good 15-minute walk from the proposed new development. Cycling along the A2 is hazardous.

We therefore consider that the proposed development is in contravention of Policy CP2 of the Local Plan.

It does not offer good accessibility to public transport.

Facilities in Lynsted are non-existent (apart from one pub) and are limited in Teynham. The new residents would be obliged to travel by car in order to access the vast majority of retail outlets and services.

Irrelevance of draft Policy A01

DHA makes repeated reference in their appeal document to draft Policy A01 in the Regulation 19 consultation held in Spring 2021. This proposed a “Teynham Area of Opportunity” for residential development. At 3.5.11 they state that “notwithstanding SBC’s decision to return to Regulation 18 stage for further consultation, the now previous draft Local Plan is considered to remain a useful indication of the Council’s preferred strategy going forward and the key aims and objectives are likely to be reflected in any subsequent draft plan”.

This assumption is not backed up by the facts. The opposition to Policy A01 from local residents and other stakeholders was so overwhelming that SBC had no alternative but to scrap the entire draft Local Plan. They reverted to a new Regulation 18 consultation which contained five broad options, not all of which included an Area of Opportunity at Teynham – and indeed the Local Plan process in Swale has now been put on hold pending clarification of the Government’s future planning policies. DHA simply cannot rely on a previous, draft, strategy that has since been discarded.

Dangerous junction of Cellar Hill/A2

At para 4.4.6 DHA claims that the Cellar Hill/A2 junction “has a good highway safety record, with no Personal Injury Collisions having been recorded either at this location, or the entire length of Cellar Hill, within the latest three-year period analysed within the Transport Statement”.

This does not accurately reflect the facts. The A2 London Road adjacent to Cellar Hill is known as a blackspot for crashes and fatalities due to its unmonitored speed restrictions and hill with a blind rise approaching Cellar Hill from the Faversham direction.

According to Crash Map UK, which locates road accidents from published Department for Transport data, this stretch of road has seen the death of 10 people over the past 23 years.

There have also been 15 serious accidents along this route, the most recent resulting in two people being taken to hospital following a crash between two motorbikes and a car on Friday 17 March 2023 at the Cellar Hill/London Road junction.

In 2016, two men were killed when a car drove into the historic water fountain opposite the Dover Castle pub. Just a month later, on 13 February 2016, a cyclist died after colliding with a delivery lorry. Both these incidents occurred adjacent to the junction with Cellar Hill.

DHA also relies on there being no KCC Highways response during the determination of the application and appears to draw the conclusion that they must have no objections. We understand that KCC Highways, because of workload pressures, have a policy of not responding to planning applications under

a defined quantum of housing. Therefore it cannot be assumed that they would not have raised concerns had they responded.

Increase in vehicle movements

Congestion regularly affects the A2 London Road around the junction with Cellar Hill. 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 would be exacerbated by any further housing.

Air Quality issues

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 (N02, PM2.5 and PM10) are indicated throughout the Parish across all pollutants.

Data for The Old Thatched Cottage in Cellar Hill, just up the lane from the proposed site, is itemised below and compared with the limits set by the World Health Organisation (WHO):

PM2.5	10.47mcg/m3	WHO limit is 5mcg/m3
PM10	17.45mcg/m3	WHO limit is 15mcg/m3
N02	17.51mcg/m3	WHO limit is 10mcg/m3

This places the location in the second worst “decile” of polluted addresses in the country. Again, any additional housing in the area will increase traffic movements and air quality will further deteriorate.

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