

COMMENTING ON THE SWALE BOROUGH COUNCIL DRAFT LOCAL PLAN - Premature and “unsound” Local Plan -

Summary

Flowing from the community Zoom Meeting hosted by our Councillor Lloyd Bowen on 5th February 2021, I have tried to identify main “headings” under which we can respond to the upcoming “Regulation 19” consultation on the Draft Local Plan from 8th February for only six weeks:

Here are some ‘headlines’ under which you may want to organise your thinking when responding to the Local Plan “Consultation” on the Local Plan in whatever state it is:

- SBC failure in process - failure to meet public expectation that “meaningful” consultation would take place on the Local Plan in two stages: (a) high-level ‘sighting’ consultation (“Forward Look”) followed by (b) detailed involvement in responding to the wide-ranging individual policies and proposals for development sites. The Plan is lacking local knowledge and expertise in its design and implementation;
- SBC failure to ensure consistent messaging and understanding across all Ward Councillors and Parish Councils. This is because SBC has adopted a policy of “passive” engagement with residents through a process of “discovery”. You have to be inside ‘the SBC fortress’ if you are going to follow discussions and ideas as they were developed by the Local Plan Panel (LPP) and the Council. This means that every resident will be blind to both the good and bad parts of the Local Plan;
- SBC has worked behind a ‘fog’ of impenetrable, complex and diverse bureaucratic processes, documents and decision-making by avoiding “active” engagement with residents and parish councils;
- SBC is failing to protect the health and well-being of residents, workers and visitors in three directly linked AQMAs along the A2; and
- *[Pie in the sky thinking]* Disproportionate and unrealistic reliance on delivering ‘modal shifts’ towards greater use of “trains”, buses, coaches and “active travel” (walking and cycling) as a justification for rural developments that are out-of-scale developments outside the major towns. To achieve this, SBC has chosen to overwhelm the Best Most Versatile (Grade 1) agricultural land in the Borough.;
- Confused and prejudicial ideas around a possible “future Master Plan” consultation of the “Teynham Area of Opportunity” based entirely on an argument that *you can’t deliver a bypass without the housing and you can’t deliver the housing without the bypass!* The penalty will be 1,400 additional homes built, bringing greater vehicle and pollution pressure inside AQMA5 and the two neighbouring AQMAs. In short, this “Masterplan” cannot be delivered alongside SBC’s sole legal responsibility to protect health and well-being in existing AQMAs by refusing any developments that worsen the cumulative impacts and harms experienced in associated AQMAs (East Street – Greenstreet – Ospringe).
- A bypass will create a free flowing, higher velocity, barrier to “active travel”. Isolating Parish residents in the Parish of Lynsted with Kingsdown. Blocking free access to our network of rural paths and lanes for residents in Greenstreet and Teynham Parish. It will destroy a key feature (Lynsted with Kingsdown Parish Design Statement) of rural parish landscape and the historical development patterns of “one building deep” in rural Lynsted (protecting local agriculture).

Taken together, policy development under cover of “passive” engagement based only on internet publishing of Agendas, Minutes and “Public Packs” has been a formula for confusion, misdirection, and lost opportunities in the evolution of the policy. The end product is a ‘hollowed out’ Local Plan process. For all these reasons, the Local Plan has been made “unsound” through the processes employed and abandonment of clear Council responsibilities towards the health and well-being of its residents. The Local Plan contains many creative ideas that are put at risk by the failure in key areas of Policy responsibility in setting aside any consideration of the impacts on AQMAs.

DETAILED ARGUMENTS

Through a policy of tightly controlled information and failed public messaging, SBC LPP and Council has demonstrated a remarkable lack of imagination in “active” engagement with our communities. SBC has favoured a one-dimensional process of “passive” discovery – claiming it is ‘our fault’ if we didn’t find the documents and understand them from their unusable website. “Meaningful community involvement” has been absent as a result of this “passive” approach. Official Government Guidance lists many more patterns of engagement during Covid-19 period – E.g. on-line presentations, distribution of plain-English printed regular newsletter (especially important where residents are not regular users of the internet or have poor broadband or limited devices such as phones and tablets), online ‘forums’ using social media, virtual workshops, etc.

Failure in Process – LPP Abandonment of promises for a two-staged consultation with residents leading to meaningful injection of local knowledge and expertise before it is sent to Planning Inspectors.

Local Plans have to include a process of “meaningful involvement” of communities.

As far back as the Local Plan Panel meeting of 20th September 2018, we were promised a two-stage process of public engagement. Firstly, through the “Forward Look” high-level consultation, which took the ‘temperature of opinion’ across the whole borough on high-level issues of priorities for our Borough to be addressed in a Local Plan; secondly, an opportunity to inject local knowledge and expertise into the Draft Local Plan process before the detailed final document was ready to go forward to Regulation 19 as a “sound” (realisable and deliverable) document for Planning Inspectors to consider.

The first Local Plan Panel meeting after the 2nd May local elections included “Public consultation prior to submission” (6th June 2019 Meeting). The Minutes reported,

“The Spatial Planning Manager explained that in looking at evidence base work already completed, the evidence presented to Panel so far was not policy at the moment, but factual research. In order to generate new policy responses from these research findings, all the work would need to be brought together and considered ‘in the round’. **This would need to be the subject of a future workshop session(s) to enable the Council to move closer to generating the next consultation draft document** and policy responses in the Local Plan process.”

The Minutes of the meeting further noted that

“This (the evidence base) would need to be the subject of a future workshop session(s) to enable the Council to move closer to generating the next consultation draft document and policy responses in the Local Plan process.”

<https://services.swale.gov.uk/meetings/ielistDocuments.aspx?CId=216&MId=2192&Ver=4>

So, at this stage no decision was made to dispense with the second S.18 consultation, rather a reading of the reports and minutes would reasonably lead to the conclusion that such a consultation would take place.

From that time, through to LPP and Cabinet Meetings in 2020, there began an unexplained drift away from a second stage of consultation. Remember, the importance of a second stage of consultation was supported by the new administration and, without meaningful explanation, the

approval process was accelerated recklessly towards a 'Final Draft' to be consulted on as a "take it or leave it" proposition. The LPP and Council have taken a gamble that no-one will argue the Local Plan is "unsound" because that may threaten "even worse decisions" by rampant developers hell-bent on bricking up our communities and laying waste to valuable agricultural land. These scare tactics, if successful, will carry the 'toxic payload' of irresponsible policies to trash the AQMAs that they are obliged to protect.

Breakdown in Communication with Communities, Ward Councillors and Parish Councils.

The Local Plan Panel (LPP) and Full Council has "rushed to approve" an incomplete Local Plan for public consultation without any engagement in the "design phase" of the Local Plan. That approval for a "pre-publication Draft Local Plan" strikes out ANY open engagement with communities. It was approved with large chunks missing from it – not least a meaningful transport and infrastructure Plan and Modelling that directly effects decisions on placing developments in sustainable places.

SBC and its LPP have claimed 'transparency' and open channels of communication based on a "passive" model of "discovery" of decisions and policy direction.

Through this policy, the LPP argues that residents have full access to the growing Public Packs and an opportunity to feedback any creative ideas they may have or objections via their Parish Councils, Ward Councillors or directly with the Planning Department. That is dishonest. There are very few people who could keep abreast of the collection of supporting and emerging technical and policy documents at every stage of Committee machinations. Anyone who made an effort would be extremely unlikely to detect where material changes have been made in key documents without the guidance that an active policy of communication might have achieved.

The "rush to publication" has effectively disenfranchised residents who have no "meaningful" access to nor understanding of the fast-moving processes only managed and understood by Officers and Councillors on the LPP. Without an "active" policy of public engagement, we are left completely in the dark and in effect we have been gagged by the decision not to open up the Local Plan to local scrutiny and understanding so that we can engage meaningfully.

SBC Policy of Chinese Whispers. We have heard from the LPP Chairman that any breakdown in popular participation is the sole responsibility of Ward Councillors. That argument is negligent. Simply depositing Minutes and Public Packs on an impenetrable Swale Borough Council website (with poor and unreliable search function) runs the obvious risk that individual Ward Councillors and Parish Councillors would each interpret differently the mountain of paperwork that defines the Draft Local Plan. In this "passive" policy of SBC control of information, residents are entirely divorced from decisions being made that will affect generations of families and communities. All this could have been avoided by more creative "active" and "meaningful" engagement with residents using the channels available – regular newsletters, social media strategies, on-line presentations and access to clear summaries and illustrations, Parish Council Briefings and so on.

Inconsistent policies undermining Air quality Management Areas (AQMAs)

Swale Residents have a right to rely on Swale Borough Council to protect their health and mental well-being by preventing housing and commercial developments that add traffic burdens across AQMAs along the A2. Any additional traffic will add further congestion and generate more Particulate Matter (PM2.5 and PM10) into our environment. The spread of pollution within 'harmful' bands (WHO definition) has been measured one kilometre north and south of the A2 (depending on

weather conditions). This makes the prevention of pollution in areas of greatest pollution burden ever more important.

SBC is further neglecting its duty of care by only measuring NOx and not the associated Particulate Matter along the A2. KCC is on record in the context of AQMA5, as saying that the A2 currently exceeds its “service rate”. In other words, ‘bottle-necks’ will suffer worsening congestion even based on levels of development contained in “Bearing Fruits”. Very quickly, traffic leading into AQMAs along the A2 is bound to build up. Creating combustion and friction pollution at much worsening levels.

In the pre-Covid period (more ‘normal’ levels of traffic) between February 2019 and February 2020, the following Harmful Pollution “Exceedance” Episodes were recorded:

- **“Very High” Pollution lasting for more than one hour:** 41 days measured with at least one “exceedance” (some days had multiple exceedances);
- **“High” Pollution lasting 24-hours or more:** 37 days of “exceedances”
- **“Moderate” Pollution** – 353 days were measured at “Moderate or above”
- **“Low” Pollution** – 12 days only

These exceedances were measured across key pollutants – NOx, PM2.5, PM10 and VOCs. The figures been independently measured and recorded on aqma5.co.uk since 2019 using continuous monitoring equipment – Plume Laboratories (Flow devices). That data is 90-95% accurate measured against reference devices.

Three AQMAs ignored. Promoting the idea of a bypass that simply shifts pollution into the prevailing wind direction south of the A2; CPRE Study demonstrates that new roads attract more traffic from existing inputs; injecting more than 5,000 NEW traffic movements into a daily traffic count (2019) of 14,000 vehicles – massive inputs to this AQMA and neighbouring AQMAs. Combining all new dwellings from “Bearing Fruits” and this Local Plan actually adds 1,700 new dwellings and even greater severe traffic inputs to three AQMAs

Improper and unreliable measurements of NOx pollution. SBC employs single-dispersion-tubes to measure NOx pollution in the AQMAs at East Street and Greenstreet/Teynham/Lynsted. These devices are notoriously inaccurate in this configuration when measuring pollution over extended periods. They completely fail to detect 24-hour exceedances of “HIGH” pollution and 1-hour exceedances of “VERY HIGH” pollution.

The “land grab” policy presented as “Teynham Area of Opportunity”

Housing is out-of-scale to Teynham village and the rural Lynsted Parish. If permitted, the new development sites would increase housing stock by between 40% and 60% overwhelming the resources and infrastructure available in and around these rural communities. This new policy is a policy of “planning for more cars”. According to a CPRE Study of 2019, new roads bring more traffic, even without more developments. Adding developments will further cram more vehicles onto the A2 through both AQMAs.

SBC is failing in its sole responsibility for protecting us from harmful pollution under National Planning Policy Framework (NPPF) and Guidance. In particular, residents along the ‘closed system’ along this stretch of the A2 joining an AQMA at East Street, Sittingbourne, AQMA at Greenstreet (at the boundary of two parishes of Teynham and rural Lynsted with Kingsdown), and the AQMA at Ospringe. Negligent of the health of residents, workers and visitors.

The SBC Draft Local Plan makes **misleading and confused geographical references** to the “Teynham Area of Opportunity” that is actually a ‘land grab’ as it lumps the rural parish of Lynsted with Kingsdown and Teynham Parish. This is designed to confuse anyone not familiar with our topography – such as the Planning Inspector and Secretary of State.

This document could have addressed local sensitivity and been better informed if the promised second stage of meaningful consultation had taken place in line with commitments made in the earlier “high-level consultation “ (Forward Look) on the policies and housing distribution across Swale had been honoured.

Overdependence of planning policy based on assumptions about “active travel”, public transport and train stations.

[Pie in the sky thinking] SBC is basing its development decisions on a disproportionate and unrealistic reliance on delivering ‘modal shifts’ towards greater use of “trains” and “active travel” (walking and cycling). These exaggerated assertions are given as a justification for rural imposition of out-of-scale developments outside the major towns – overwhelming the Best Most Versatile (Grade 1) agricultural land in the Borough.

- Only 0.14% of the average 14,000 vehicles counted daily in Greenstreet are bicycles (2019 traffic-count data);
- Nationally, only 2.27% trips are made using trains (Defra/DfT 2018/19 data), without **any** prospect of additional railway stock and platform development to attract a meaningful shift to rural stations to meet our daily and weekly need for access to a wide range of services and employment. A station at “Point A” does not necessarily lead to improved access to the “real needs” of “real people” leading “real lives”.
- Only 0.6% of the average 14,000 vehicles counted daily in Greenstreet are “public transport”. Nationally, only 2% of people in rural villages use public transport;
- Car ownership per household is highest in rural settings because of the need to access the mix of services that underpin our lives in a timely fashion (not having to wait for infrequent services and potential lack of capacity meaning bus services being missed).

Insufficient period of Consultation – especially in Covid times and especially as SBC’s definition of “Consultation” is to put committee papers and minutes into the public domain on the impenetrable SBC Website. Residents are being expected to grasp the issues buried in more than 1,000 pages of evidence, unsure whether all the evidence is contained in it!

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7th February 2021