

# Selling Parish Council

## Swale Local Plan Review 2021 Representation

### 1. A word about Selling

1.1 Selling is an ancient village comprising a group of hamlets, largely following the Jutish settlement patterns established some 1,500 years ago. Where the Swale *Settlement Hierarchy Strategy* describes Neames Forstal as a small village, it is in the words of a longstanding resident: “not a hamlet let alone a village but a more recent arrival of much needed houses in one road built after the second World War and always part of Selling.”

1.2 Selling is widely dispersed as another of our residents has keenly observed: “the school, the church, the two pubs and the station are all located at least a mile from each other. The connections between each either consist of a small, often muddy path, or a narrow windy and often hilly road. The proposed housing developments are close to the station, but far from all the others.”

1.3 The vast majority of local residents consider themselves inhabitants of Selling village and with very few exceptions do not recognise the name of the housing proposal in the Local Plan. Indeed, there has been concerted effort over many years to bring people together as a coherent Selling village. This is reflected in our established community custom and practice such as village celebrations, organisations and events.

1.4 There are no postal addresses with the name Neames Forstal other than the actual street Neames Forstal. We are aware the name ‘Neames Forstal’ appears on some Ordnance Survey maps, but there is no general comprehension of why this should be.

1.5 Selling has more than pulled its weight by incrementally increasing its housing stock over recent years, most recently on former brownfield sites at Hop Pickers Close and Haze Wood Close near Selling train station. The attempt to impose an intensive, disproportionately sized housing estate on a prime greenfield site in this area of Selling will hugely disrupt and prevent community cohesion across the village.

1.6 Known locally as ‘the station area’, this part of Selling is already the most populous and has few amenities. The Local Plan makes absolutely no provision or attempt to improve infrastructure. Its potential impact will manifestly deliver the opposite of the strategic principles and objectives clearly set out in the Sustainability Appraisal and the Local Plan.

1.7 This is the *Vision for Swale* on page 8 of the Local Plan:

*“At our rural...communities, enable development to maintain and improve local services to cater for the local daily needs of its residents and to support vibrant*

*communities whilst maintaining the quality of the local countryside environments in which they are set and protecting their heritage.”*

1.8 It is difficult to imagine a vision and development proposal that will do more to:

- harm our environment, biodiversity and ecosystem by the wanton destruction of two commercial pear orchards and their precious wildlife and replacing them with housing and a community orchard
- provide homes not for (as yet unidentified) local needs or local people but for better paid outsiders and those escaping cities and towns
- ruin the sustainability of our community through a sudden intensive growth in population without the most basic services and absolutely no plans to provide amenities for increased daily needs
- destroy the equilibrium of a rural, peaceful community used to careful growth and unbalance it with something huge, invasive and disproportionate
- disregard the protection and management of our resources to address climate change and prevent ecological disaster by building houses wholly within the Kent Downs AONB and contribute to distressing local floods

1.9 This is not planning. This is irresponsible and panicked mismanagement of our precious countryside, resources and wildlife that will rob future generations of their rightful heritage.

1.10 The name of Neames Forstal has been used extensively, intentionally and explicitly by Swale in all of its Local Plan documentation and evidence. Whilst we have explained why Neames Forstal is not a name recognised in Selling or by its residents, for the sake of easier understanding we will use it for this representation.

1.11 One of our most distinguished and senior residents has lived his whole life in the station area and the final word belongs to him: “This is Selling. It always has been and always will be. It has never been Neames Forstal and never will.”

## **2. Legal Compliance and Consistency with National Policy**

### **2.1 Failure to consult according to Statement of Community Involvement**

2.1.1. The process of community involvement for the Swale Local Plan has not been in general accordance with the Statement of Community Involvement. The Regulation 18 consultation sent out by the previous Council administration in 2017 and then subject to review in 2018 was based on totally different proposals. A new Swale administration rapidly and significantly changed the proposals and retrofitted a number of additional sites. This includes Neames Forstal, which is the only one of 22 very similar ‘Tier 5 small village settlements’ in Swale’s options plan and ultimately in the Local Plan.

2.1.2 These substantially new proposals should clearly by law have attracted community consultation as part of Regulation 18 and not been indecently and hastily thrown upon unknowing communities as a Local Plan Review under Regulation 19. With devastating impact, the proposals at Neames Forstal have never been subject

to public consultation. On that basis, we contend there has not been legal compliance.

## **2.2 Failure to comply with the National Planning Policy Framework (NPPF) Para. 158**

2.2.1 The Local Plan is not based on adequate, up-to-date and relevant evidence about the social, economic, and environmental characteristics and prospects of this area. It does not comply with the NPPF. Swale's assessments and strategies for the housing proposal at Neames Forstal do not take into account the disproportionate local housing / earnings affordability ratio, low employment rates and even fewer future labour market opportunities. There is no indication of how current environmental considerations and other relevant social, market and economic signals in this rural area can be successfully integrated.

2.2.2. In the context of the pandemic, which was in its most virulent form at the time of Swale's major decision-making, highly significant and relevant information on social mobility and awareness of the social needs of the community was grossly missing with a corresponding clear lack of understanding or description of the prospects of the area.

2.2.3 The Government withdrew its latest algorithm for housing need and the Secretary of State has strongly signalled in recent weeks the Government's preference for brownfield and urban sites. The Swale Sustainability Appraisal Report (Non-technical) 'Findings so far' for Land further states:

*"There is an unavoidable need to conclude that the [Local Plan Review] will lead to significant negative effects, due to significant loss of best and most versatile agricultural land, including grade 1 land that is of the highest quality nationally."*

2.2.4 The Local Plan Review also comes forward under Regulation 19 without the agreed traffic modelling, which renders it not legally compliant.

## **2.3 Not consistent with national policy**

2.3.1 Under paragraphs 15 and 20 of the NPPF, Swale is required to set out a positive vision for the future and to set out a strategy for the pattern, scale and quality of development. This must be done with the objective of contributing to the achievement of sustainable development. For rural areas, Swale should identify opportunities for villages to grow and thrive, especially where this would support local services.

2.3.2 The lack of a proper evidence base, the failure to consult the community and the unjustified rush to retro-fit Neames Forstal as a site proposal - with no hope of sustainable development or ability to thrive or grow – renders Swale seriously inconsistent with national policy.

### **3. Soundness of the The Local Plan Review**

#### **3.1 The Local Plan is not positively prepared and is not justified**

This Plan is not positively prepared. It does not provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs. It is not consistent with achieving sustainable development. This Plan is not justified. It has no appropriate strategy, taking into account reasonable alternatives, and is not based on proportionate evidence.

It is not clear how the Sustainability Appraisal has informed the Plan. Most importantly for the residents of Selling, the Plan has not been prepared with the participation of the community. It is clearly not founded on evidence and not backed up by facts.

#### ***Strategic Objectives and Principles of The Local Plan***

3.1.1. The Local Plan does not meet the "objectives and principles that have informed the broad development strategy [and] also inform site selection" nor do "these objectives reflect local evidence..." (Swale Local Plan Panel, 29 October 2020).

3.1.2 The objectives referred to are at paragraph 2.0.23 on page 8 of the Swale Local Plan:

- To provide for homes and jobs that are best suited to meet identified local needs;
- To support and sustain communities across the borough, big and small, by planning to meet identified needs, including needs for community facilities and infrastructure; and
- To protect and manage our resources to address climate change through delivering sustainable growth that supports urban and rural economies and makes the best use of infrastructure.

3.1.3. The underlying principles referred to are at paragraph 2.0.24:

The borough's identified development needs will first be met

- on brownfield sites in sustainable locations/within settlement confines.
- on land at low risk of flooding within existing settlements; and
- on land with the least environmental or amenity value."

3.1.4 In applying these stated principles and objectives of the Local Plan to the actual content of pages 89-91 of the Local Plan Review and Policy A4 of the Neames Forstal proposal we make the following observations:

3.1.5 There is no 'local evidence' on Neames Forstal brought forward in any document by Swale other than the very brief assessments in the Strategic Housing Land Availability Assessment (SHLAA, May 2020). These can hardly be considered as meeting the area's objectively assessed needs. As there has been no community

consultation, the valuable and accurate local evidence available and readily accessible has not been captured.

3.1.6. There has been no 'planning to meet identified needs, including needs for community facilities and infrastructure' of Neames Forstal brought forward in the Local Plan or any other document. As there has been no community consultation, again the valuable and accurate local evidence available and readily accessible has not been captured. There is no evidence to support any prospect of sustainable development. The housing development would be in isolation and to the detriment of the community serving no positive purpose to its surroundings and environment.

3.1.7 Both sites either side of Selling Road in Neames Forstal (site refs. 18/93 and 18/94 combined with 18/96) are clearly in unsustainable locations. The SHLAA assessment described

*"...no day-to-day services and facilities such as a convenience store, GP's surgery or primary school within a walking distance of the site. Similarly, there are extremely limited employment opportunities here. Travel would be required outside of the area for almost all services and facilities".*

Nothing has changed since this assessment was made nearly a year ago and this assessment remains correct. It is difficult to comprehend what convinced Swale that these sites have suddenly become sustainable development locations and will meet objectively identified and assessed needs.

3.1.8 There has been no evidence that Swale's Local Plan will

*'protect and manage our resources to address climate change through delivering sustainable growth that supports urban and rural economies and makes the best use of infrastructure.'*

In fact, one site is wholly within the Kent Downs AONB and the other site is across the road and therefore adjacent to its AONB 'setting'. One site is completely outside the settlement built-up area boundary and no community consultation has taken place for local people to express their views on this. Both sites are situated in identified areas of tranquillity. This Plan is not properly prepared.

3.1.9 The SHLAA assessed the proposed site at Neames Forstal (site ref. 18/093 land adjacent Monica Close) as follows:

*"The site falls entirely within the Kent Downs AONB and is a significant distance from the confines of the nearest town centre and remote from the confines of the nearest settlement. In terms of access to services and facilities, both Selling and Neames Forstal have very few essential facilities.*

*There are some public transport facilities with a regular bus service and a train station within the vicinity. Nonetheless, taking into account all of the above, the site is in an unsustainable location and considered to be unsuitable."*

3.1.10. There is no bus service of any description that serves Neames Forstal.

3.1.11 The Sustainability Appraisal states:

*“The sites were not supported by the SHLAA, and there remain question-marks regarding suitability for allocation” (page 24).*

*“The only stand-out concern [sic]...relates to the proposal to support growth of 90 homes at Neames Forstal, which is a village with a very limited offer of local services and facilities” (page.36).*

3.1.12 Swale simply offer no evidence to support the site selection of Neames Forstal to “provide for homes and jobs that are best suited to meet identified local needs”. No local needs for jobs or housing have been identified. Local people, like elsewhere in many developments across Swale and beyond, are priced out of the market with average local wages woefully unable to match even the demands of affordable housing schemes or rent.

3.1.13 This is an agricultural and fruit growing village with some occasional cottage / home industry and unable to support existing residents in employment even before the addition of 90 more households. This housing proposal is not consistent with sustainable development in Neames Forstal.

3.1.14 The minutes of the Swale Local Plan Panel on 29 October 2021 show the thinking behind the Local Plan and rural communities:

*“Of the remaining settlements (not Rural Local Service Centres), there are sites at Upchurch, Lower Halstow, Borden, Tunstall, Bredgar, Rodmersham, Doddington, Newnham, Lynstead, Selling and Ospringe that could be considered for allocation.*

*Most of these settlements are more remote or isolated, are only accessible by car and do not provide enough of the day-to-day shops and services needed and consequently, would generate the need to travel by private car and therefore, development in these locations would not result in the delivery of sustainable development.*

*The quantum of development needed to deliver the shops and services required would be of a scale so significant as to undermine the character of the areas in question and would subsequently result in the need for major infrastructure investment.”*

This description applied to the 11 villages named above equally well fits Neames Forstal. Except within the settlement named Neames Forstal is Selling train station. We explore this shortly. Neames Forstal was the only Tier 5 settlement considered in each of the five Reasonable Growth Scenarios.

3.1.15 The proposed sites at Neames Forstal have no bus services and are within 0.8km of Selling train station on unlit footways. Both Borden and Ospringe have bus services and lit footways. These sites may be reasonable alternative sites.

## Settlement Hierarchy Study (August 2020)

3.1.16 The adopted Local Plan *Bearing Fruits 2031* split settlements of Swale into a tiered hierarchy. This was intended to identify those which offer the best opportunities for sustainable development based on their access to services, facilities and employment opportunities.

3.1.17 Neames Forstal was one of 22 settlements categorised as *Tier 5 – small village*. The full matrix of facilities and services shows Neames Forstal has just two key services (convenience store and superfast broadband), no higher order services and public transport provision graded as fair. The settlement is described as 6.79 miles to the closest town providing all or most services.

3.1.18 Had there been even cursory research, the authors of the study would know the convenience store is actually the Sondes Tea Rooms that pre-pandemic flourished as a popular all-vegetarian food destination. It had a small indoor shop attached. During lockdown the owner expanded the shop to an outside business that has kept going throughout the past year and has provided the whole village of Selling with its sole village shop facility. The shop is currently open with restricted hours five days a week. Its future is unknown.

3.1.19 There are no accessible lit footpaths in Neames Forstal, including Station Approach maintained by Network Rail and only recently made safe from its dozen dangerous potholes. Any walk to and from the station will be in darkness outside of daylight hours.

3.1.20 There is discrepancy in the ‘potential residential yield’ of 20 houses each shown in the SHLAA assessments for Neames Forstal sites 18/094 and 18/96 (total 40 houses), versus the Local Plan that states a total of up to 60 houses for both sites. This suggests a greater density of housing than originally planned and potentially more than existing developments – putting in doubt the requirements of paragraph 5.6.8 of the Plan:

*“housing in this development should generally be of low to medium density and the form, pattern, design and materials should respond to the local character and distinctiveness of Neames Forstal.”*

### Selling Train Station

3.1.21 SHLAA Site Assessment of Selling Train Station

*“There is a train station very close to the site with a regular, fast service into Faversham and beyond. The full range of day-to-day needs could well be met in this way, due to the proximity of the site to the station and the frequency of the service.”*

3.1.22 This assessment is relied upon and carried through - from the SHLAA Site Assessment via the Sustainability Appraisal and meeting of the Swale Local Plan Panel of 28 October 2020 - to the Local Plan itself. For all intents and purposes the sole justification for the two sites at Neames Forstal is Selling train station. The Plan and in particular the audit of access for Neames Forstal in the Sustainability

Appraisal has not been prepared with any community involvement or consultation and is not based on fact. It does not contribute to the sustainable development of Neames Forstal

3.1.23 There is no street lighting whatsoever in this area of Selling except for one low strength streetlight on Selling Road that denotes the entrance to the footpath to Neames Forstal. Walking to the station in Winter is in complete darkness Pedestrians are required to cross the busy Selling Road at or close to the 5-way multiple junction with Neames Forstal, Crouch Lane and Station Approach

3.1.24 Neames Forstal does not benefit from the national village speed limit policy of 30mph applied to nearly all villages in England, because Highways do not consider it a village. The National Speed Limit of 60 mph applies, despite the recent housing developments, busy pedestrian use from residents, ramblers using the popular Blean trail, leisure cyclists and the narrow country roads with hazards of bends, agricultural vehicles and access points and hedgerows restricting sightlines.

3.1.25 Station Approach is a narrow road maintained by Network Rail and is bordered by existing residential housing along its complete length and so there is no means of expansion. Station Approach has no lighting, a poor road surface frequently potholed and vehicles parked on one side. In hours of darkness, it is considered by local people as hazardous, and users of the station invariably drive to drop off passengers or try to park

3.1.26 The station is unstaffed, has no facilities and has no operational CCTV. There is a touch screen ticket machine, which any user of the station will testify is out of service as much as working properly.

3.1.27 The station has derelict land and buildings as shown below:



Fig. 1 - *Selling Train Station*

3.1.28 There is step-free access to westbound trains to Faversham but for the return journey there is a footbridge and therefore no access for those with disabilities. It



also causes serious difficulties for those with prams, pushchairs and shopping bags. The reverse applies for eastbound journeys to Canterbury East, which is the next stop.

3.1.29 The 'fast service into Faversham and beyond' belies the fact that travelling westbound, Faversham is actually the next stop. To connect with Southeastern services beyond Faversham is problematic. There is no timetable synergy with the high-speed route to London St. Pancras or coastbound towards Margate. A typical wait can be 30 mins.

3.1.30 The same applies on journeys from London to Selling, where the timetabling at Faversham can be a lottery resulting in a 30 min. wait or missed train. Outside of the narrow morning peak period there is one train an hour to Faversham and one scheduled train an hour to Canterbury East.

3.1.31 Once in Canterbury East, there is a 15 mins. walk for the weekly shop to a small Aldi store the other side of a very busy roundabout or a minimum 18 mins. walk to the city centre to find the Marks & Spencer Food Hall or the Tesco Metro. Once in Faversham, the nearest store is a small Co-Op Local within five mins. walk or the larger Tesco supermarket 15 mins. away.

3.1.32 With the very few exceptions of those who are not car owners, all residents of Neames Forstal use their cars to avail themselves of "the full range of day-to-day needs" in Faversham, Canterbury, Chilham, Chartham and elsewhere.

3.1.33 There is no train service from Selling without extensive prolonged changes, waiting and walking to get to Chartham and Chilham, which offer Neames Forstal residents important NHS, alternative food shops and leisure facilities.

3.1.34 Train travel is not cheap or convenient from Selling and represents a significant financial outlay for all residents whether travelling locally or commuting to London. The station appears to be falling way short of national standards for disabled passengers and breaches the Equality Act of 2010 - "rail companies are required by the Equality Act to make reasonable adjustment for disabled people to ensure they can use their services as everybody else".

3.1.35 Selling train station is on the Faversham to Dover Priory line. In extreme weather such as snow, where rolling stock and staff are needed on lines with greater passenger numbers, this is nearly always the first line to be taken out of service. The track system on this line is 750V, which prohibits any longer train size than the current maximum of 12 carriages.

There is no local awareness of any lobbying of Southeastern for more frequent train services at Selling. It is something surely residents of wards and parish councils in rural locations like Neames Forstal would be told about. It seems an odd surprise statement to make in the Local Plan (paragraph 5.6.6. on page 90) and serves to further illustrate the unsoundness of the Plan. It has not been prepared properly nor is it founded clearly on evidence and backed up by facts.

## Roads and Traffic

3.1.36 It is no exaggeration to state that all roads in and around Neames Forstal are almost at saturation point. Local people simply have to use their cars to remain socially mobile and maintain their quality of life.

3.1.37 Swale's assertion in paragraph 5.6.6 of the Local Plan in relation to Neames Forstal: *"the ability of the transport network to accommodate further growth in this location of this scale is enhanced by its proximity to the primary road network"* is at best misplaced in reality, shallow and misleading.

3.1.38 Half of all residential properties in the whole of Selling and nearly 60% of the population are resident in Neames Forstal. It is already a built-up area. The addition of 90 new houses is a 76% increase on existing housing stock. There will be an obvious corresponding increase in car ownership, which will catastrophically ruin rural sustainability and an already challenged way of life.

3.1.39 There are no cycle lanes or walking routes, which would in any event be impracticable on the narrow roads. The roads themselves are extensively used by a variety of private, commercial and agricultural vehicles - from pedal cycles to Large Goods Vehicles (LGVs) carrying full-size containers to tractors.

3.1.40 Living in rural Kent, we are used to, and accept, farm vehicles on local roads. We don't accept the excessive damage caused by LGVs who frequently attempt dangerous U-turns or manoeuvres in tight, narrow lanes with awful disruption and damage to our country lanes.

3.1.41 At the centre of Neames Forstal, there is a complex multiple junction outside The Sondes Tea Rooms that is a significant hazard to all road users. This junction serves roads in five directions: the station via Station Approach; the well-known 'rat-run' along Crouch Lane towards Brenley Corner (A2/A299/M2); the cul-de-sac of Neames Forstal; and Selling Road westbound towards Faversham (A2) and eastbound towards Canterbury (A28). There is no designated crossing point.

3.1.42 Selling Road runs through Neames Forstal like a main artery. To cross it at any point requires great care and particularly at this busy junction. The junction suffers from road depressions and drains unable to cope with either rain or the vast quantities of dust created by LGVs, vans and sheer weight of traffic. The result is regular and sustained flooding across various parts of the junction or vile dust-storms that descend on unsuspecting pedestrians.

3.1.43 Those who need to cross the road include local residents - often with children and pushchairs, ramblers from the popular *Blean* walking route, station users, leisure cyclists who park opposite, and customers of The Sondes. Traffic consistently drives at speeds not safe or appropriate for the prevailing conditions. There is also a sharp blind bend and three-way junction just 150m from this difficult junction further along Selling Road eastbound.

3.1.44 This latter stretch of road cuts through the indicated sites of the two proposed housing developments. There is no footway beyond the existing building line on the

south side of Selling Road and beyond it is wildflower area between the road and hedges nurtured by villagers and for which the Parish Council has a cultivation licence.

3.1.45 Perversely, and to the continued disbelief of local people, this part of Selling has been overlooked for decades by Highways authorities: the national speed limit of 60 mph applies even though this is clearly a village that should be afforded the legislative protection of the national speed limit for English villages.

3.1.46 The main routes in and out of this part of the village are narrow, with extensive and mature high hedgerows, trees, or vegetation along the boundaries of the highway usually on both sides. The persistent LGVs and the infamous blue double decker worker transport running between farms have caused sustained damage to the road surface and trees. Selling Road is riven by deep potholes all year round and with constant degrading of the verges.

3.1.47 The inappropriate road use has made some parts of Selling Road impassable at times, and nearer Selling School positively dangerous. Every resident is aware of the many critical pinch points on Selling Road either side of Neames Forstal and particularly on Selling Road towards Faversham and the A2. It is not unknown to be stuck for up to 30 mins while competing LGVs, delivery vans and cars try to extricate themselves. The roads are totally unsuitable for the existing volume and types of traffic in the most benign of conditions let alone the exponential dangers provided by winter conditions.

3.1.48 Snow, rain and flooding render all routes impassable. Narrow lanes wind around steep uphill and downhill bends with poor visibility and require care to pass oncoming vehicles in Summer. In winter, these routes to the strategic road network at Brenley Corner or the A2 to Sittingbourne or A251 to Ashford suddenly become treacherous and cause daily accidents often blocking the road for hours. These same roads from Neames Forstal are only part of KCC's 'secondary' route for gritting and so we rely on salt bins.

3.1.49 Constant repairs to roads in and around Neames Forstal are necessary to fix the abundance of potholes and water leaks. The volume of traffic contributes markedly to these issues, which are costly to service providers, utilities and taxpayers alike. Roads are often shut for weeks at a time as there seems to be no coherent plan to manage these ongoing emergencies.

3.1.50 A significant number of Neames Forstal residents drive the six miles return journey to Chilham for GP health care, as surgeries in Faversham are already overwhelmed. The same necessary return journey by train takes at least 90 mins. and involves a 40 mins. walk between Canterbury stations. The nearest hospitals are in Canterbury or Ashford. Neither is accessible by train and on foot.

3.1.51 The proportion of households in Swale with one or more cars available has increased to just under 80%, which now makes Swale identical to the Kent average. Kent car ownership as a whole is higher than the national average (80% of households compared with 74% nationally). The rate of increase in car ownership in Swale has been twice the national rate of increase over this period.

3.1.52 The Sustainability Appraisal Report (Non-technical) page 16 finds “a very strong policy framework is proposed in support of modal shift away from reliance on the private car”. While this may apply more readily to traffic hotspots and problematic road junctions in the spatial strategy, the application to a remote rural settlement with virtually no infrastructure such as Neames Forstal is highly challenging.

3.1.53 In short, residents know full well that country life depends on a car and it is disingenuous at best to try to pretend proximity to a train station will ever change that. Allocation of these sites will result in car-dependent unsustainable development clearly in conflict with NPPF Paragraph 11

### **Kent Downs AONB and Biodiversity**

3.1.54 The majority of Selling, including the proposed site at Neames Forstal, enjoys the protection of being part of the Kent Downs Area of Outstanding Natural Beauty (AONB).

3.1.55 The governing law in relation to development in AONBs is the National Planning Policy Framework (NPPF). The relevant provisions of the NPPF are reiterated in the 2021 Draft Local Plan Policy DM 26 (page 183).

3.1.56 NPPF paragraph 112 recognises that where development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. This NPPF provision is repeated in the 2021 Draft Local Plan Policy DM 30 (pages 196-197).

3.1.57 Grade 1 agricultural land of the highest quality, such as the proposed sites at Neames Forstal, should therefore only be used for development as a last resort and where it is absolutely necessary.

3.1.58 In an era of increasing and entirely justified concerns over food security and food miles, the proposal to sacrifice precious and finite Grade 1 agricultural land on the altar of a completely unnecessary housing development at Neames Forstal appears to be an act of utter folly.

3.1.59 NPPF paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.

3.1.60 NPPF paragraph 116 continues by acknowledging that planning permission should be refused for developments in these designated areas, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.

3.1.61 The proposed change of use of the land at Neames Forstal from agriculture to residential is not necessary, and it does not conserve the landscape or scenic beauty of the AONB. Furthermore, the proposed housing development at Neames Forstal does not demonstrate any exceptional circumstances in which it should be approved, nor does it serve a public interest.

3.1.62 Proposals within the AONB and their settings must conserve and enhance the character of the landscape and its special qualities. It must be demonstrated that consideration has been given to the

- Rural economic impact, either positive or negative
- Historic use of buildings, site and surroundings
- Impact on scenic beauty

3.1.63 The site (ref. 18/93) on land adjacent to Monica Close in Neames Forstal is wholly within the Kent Downs AONB. Swale has not offered any evidence that suggests the proposal would satisfy the objectives of the Kent Downs AONB Management Plan.

3.1.64 CPRE also considers *“that the proposal would represent ‘major development’ in the AONB. The policy does not demonstrate exceptional circumstances nor that the three associated tests within the NPPF have been considered. In particular the policy does not include an assessment for meeting the need in some other way.”*

3.1.65 The proposed development in the Kent Downs AONB and its setting is contrary to paragraph 172 of the National Planning Policy Framework. Policy DM25 (Kent Downs AONB) of the Local Plan shows how planning permission or any proposal within the AONB will only be granted subject to:

- conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy
- furthering the delivery of the AONB’s Management Plan and its opportunities, having regard to its supporting guidance documents
- minimising the impact of individual proposals and their cumulative effect on the AONB and its setting mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal
- being appropriate to the economic, social and environmental wellbeing of the area or being desirable for the understanding and enjoyment of the area

Our contention is that the Neames Forstal proposed sites do not have the capability or capacity to meet any of the four strict criteria and therefore are contrary to Swale’s Policy DM25.

3.1.66 The AONB Management Plan was presented to the Local Plan Panel on 3rd September 2020 and highlighted sustainable development, including discussion of remoteness, tranquillity and dark skies. The Plan points out support in the NPPF (paragraph 180) for protecting areas of tranquillity.

3.1.67 The proposed housing developments in the Local Plan clearly need to be sympathetic to existing villages, be of a limited scale and complementary to local character in form, setting, scale and contribution to settlement pattern. Kent Downs AONB consider *“opportunities for growth at Neames Forstal are considered very limited.”*

3.1.68 As NPPF paragraph 180(c) requires Local Plans to limit the impact of light pollution from artificial light on local amenity and intrinsically dark landscapes, CPRE

England's Light Pollution and Dark Skies mapping shows that the site at Neames Forstal is in the darkest band area (not brightest). CPRE Kent is concerned that development of the site will increase and intensify the extent of light intrusion in this and the surrounding areas.

3.1.69 Fox Lane, at the railway bridge at the end of Bridge Cottages, regularly floods, rendering the road impassable for many weeks of the year. The inadequate drainage at this location is constantly blocked by streams of mud and silt and detritus run-off, that is washed down Fox Lane and down the banks from the orchards where sites 18/94 and 18/96 are proposed. See Figure 3 below.



Figure 2 – Fox Lane Bridge, December 2020

3.1.70 The largest part of the proposed site is in the pear orchard opposite Bridge Cottages. This land is higher than Fox Lane, and the trees are the last natural defence against further, considerable if not massive land slippage and greater

flooding. Flooding is already deep and extensive, and vehicles are regularly stuck in the flood water. The frequency with which the highways teams must inspect and clear the drains is increasing, as are the reports and occurrences. Once the flood water recedes, the road surface is pitted with large and deep potholes.

### **Footpath (Right of Way) from Neames Forstal to Selling Road**

3.1.71 Policy A4 requires a safe pedestrian and cycle link to the primary school at Selling from the two sites either side of the Selling Road. This may be provided “*as an off-road link as an upgrade to the existing public right of way or an alternative off road route - unless it can be demonstrated that any links via Selling Road itself can be managed to ensure satisfactory levels of safety through appropriate traffic management measures.*”

3.1.72 There are a number of significant factors bearing on this requirement, which is central to the sustainable development of the Neames Forstal proposal and therefore important to be examined.

3.1.73 The distance from the start of the existing public footpath at Neames Forstal to Selling Church of England Primary School is just over one mile. The footpath is a public right of way until it joins the Selling Road about 400m east of the school and ends. There is no footpath on Selling Road until the other side of the White Lion pub some 200m to the west.

3.1.74 The route is a discernible path, almost straight east to west except for one dogleg where the path crosses a sheep field belonging to the Swire Trust to get to the Selling Road. There are two kissing gates to negotiate in order to arrive out at the Selling Road. Where the path ends there is a blind bend with poor visibility and a narrow road (see below Figure 2). This is known to locals as a dangerous location.

3.1.75 This is too far to walk in one direction for young children. A return walk to school would certainly not be feasible. There are no other off-road footpaths or access to the school.

3.1.76 The kissing gates would have to be removed and the public footpath would have to be upgraded to a bridleway to allow for cycling. It would also need extending along Selling Road to the other side of the White Lion, a distance of about 200m. There is severe restriction on space available on Selling Road for a footway / pavement.

3.1.77 The footpath will need marked improvement with a hard top along its whole length. It suffers from flooding, with severe rain run-off from fields that were formerly orchards. The footpath acts a fast-flowing channel of the water, funnelling it downhill into residential properties in Neames Forstal and Woodgate Cottages, causing flooding to gardens and ground floors. Mitigation of this flooding would be essential.





*Figure 3 – Selling Road by the public footpath*

3.1.78 Recently the owner of the land either side of the footpath installed barbed wire fencing along both sides of the footpath. This is to keep trespassers and their dogs out of his land. The footpath is now no more than 2m at its greatest width.

3.1.79 Apart from the many dog walkers, frequent users of the footpath are some of the hundreds of migrant workers accommodated in the very large Norham Farm caravan site between Selling Road and the footpath, about half a mile from Neames Forstal. The workers are semi-permanent and almost double the population of Neames Forstal. They travel out of Selling each day by van to work elsewhere in Kent. At weekends in particular, the footpath is busy all day long as the workers make their way to Selling train station. Cyclists would have difficulty in negotiating other users of the bridleway.

3.1.80 The footway or bridleway will also need extensive low-level lighting along its entire length to make it safe. The light pollution of the countryside would be a significant detractor. Reliable and pro-active maintenance would be a fundamental requirement to keep the path lit and users feeling safe.

3.1.81 There does not appear to be a viable alternative to the existing off-road public right of way. A developer would not own the public footpath and right of way and would be unable to deliver the required connection from the proposed sites to the school. A pedestrian link via Selling Road would not be viable or safe. The proposed site to the east of Selling Road is situated on a bend and close to a three-way junction (as described earlier). The national speed limit applies to this part of Selling Road and vehicles invariably drive too fast for the prevailing road conditions. LGVs, vans, cars and agricultural vehicles all use this road in each direction throughout the day as a known route through the village and out to the primary and strategic road networks. Selling Road is narrow, with very high hedgerows along the route towards



the school. In many sections there are no places of safety on the steep roadside verges.

3.1.82 There is no street lighting along Selling Road all the way to the school. This route is far too dangerous and hazardous to walk, especially for primary school children.

3.1.83 Children of the 90 houses will therefore likely be taken to school by car, with the corresponding increase in traffic and pollution throughout the village. Dropping off and parking problems will obviously be exacerbated as the school has no parking area and relies on the grace and favour of the Village Hall car park. This is not the achievement of sustainable development for the community. As the Local Plan was not prepared with the participation of the community and backed up by evidence, this is another example of how the Swale Plan is not sound.

#### **4. Participation at the public examination hearings**

We the seven councillors of Selling Parish Council - named below in alphabetical order - wish to participate at the public examination hearings, because we:

- a) are seeking the removal of the proposed housing developments at Neames Forstal (site refs. 18/93, 18/94 and 18/96) from the Local Plan
- b) wish to represent the views and concerns of our residents
- c) wish to respond to events and information available at the time and / or that come to notice since the submission of this representation.

Andrew Bowles  
Andy Day  
Sue Henderson  
Kevin Hobson  
Tony Kitchen  
Amanda Saunders  
David Woollett

*Address:*  
c/o Wendy Gregory,  
Clerk and Responsible Financial Officer  
Selling Parish Council  
19 New Creek Road,  
Faversham ME13 7BU

#### **5. Community Consultation by Selling Parish Council**

5.1 This representation consists of the collective views of the Parish Council and **76** residents of Selling village. All residents have asked for their names to be attached

to the representation of the Parish Council. A full list of names is available at Appendix A below.

5.2 We have tried to offer a range of consultation opportunities and methods as best as possible within the restrictions of COVID rules. The Local Plan was on the agenda of three ordinary and three extraordinary online meetings of the Parish Council at which members of the public were able to provide their views in public forum. The Annual Parish Meeting held online provided further opportunity for villagers to give their opinions.

5.3 We held an open public online meeting attended by 79 residents, two Swale Borough Councillors, the Chief Executive and Planning Policy officials from Swale Borough Council. The Parish Council also printed, and hand delivered, a double-sided letter / poster to every household in Selling as well as publishing a letter to all residents in the Parish Magazine.

5.4 In COVID safe conditions, the Parish Council held four open air drop-in surgeries at The Sondes, a community hub at the heart of Neames Forstal. Residents were able make known their views on the local Plan to parish councillors and to ask questions. Detailed information on the Local Plan was also regularly updated on our website <http://www.sellingparishcouncil.gov.uk> and on our Facebook Page.

## ***Appendix A***

Graham Bernthal  
R. Spiers  
Paula Brice  
Trevor Beecham  
Pam Howe  
Jim Jones  
Glynis Rumley  
Judith Badmin  
Elizabeth Spiers  
Nicholas Vernon  
Andrew Newmark  
Janet deVilleneuve  
Petra Bensted  
Richard Bensted  
Lesley Ashby  
Tony Phillips  
Tonianne Wrightson  
Janet Upton  
Colin Moore  
Leah Moore  
Linda Evans  
Graham Evans  
Anna Finuchane  
Mrs. A. Day  
Judy Knight  
William Knight

Margaret Hutton  
A resident who identifies as Jane  
Kiran Shelley-Martens  
Robert Shelley  
Valerie Scott-Prime  
Julian Smith  
Tracey Smith  
Emily Smith  
David Luck  
Barry Luck  
Michelle Luesley  
Deborah Maloney  
Damian Maloney  
Richard Cooper  
Andrew Day  
Sally King  
Mike Harris  
Pam Lewis  
Petina Kitchen  
Tony Kitchen  
Michael Elvy  
John Agate  
Alexander Agate  
Rupert Hadlow  
Jean Hadlow  
Charles Villiers  
Sally Villiers  
Joseph Maloney  
Claire Raraty-Squires  
Giles Champion  
Valerie Champion  
Graham Elvy  
M.A. Elvy  
Alan Cooley  
David Fletcher  
Maureen Fletcher  
Sue Smart  
Michael Smart  
Megan Raraty-Squires  
Danny Bland  
Anne Raraty-Squires  
Patricia Parnell  
A lady who identifies as Pat  
Lynne Burns  
Chris Burns  
Penelope Hale  
Julie Edwards  
Rob Sage  
Jennifer Fridd  
Keith Fridd