

LEIGH PARISH COUNCIL

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13th August 2025

Gemma Carey,
The Planning Inspectorate,
Temple Quay House,
2 The Square,
Bristol.
BS1 6PN.

Dear Sir/Madam

APP/G2245/W/25/3367917

Appeal by: Whitehall Homes LLP

Site: Land South of Greenview Avenue, Leigh, Kent

Outline application for the erection of up to 39 dwellings with access and layout and some matters reserved. SDC Ref: 25/00025/RFPLN

Leigh Parish Council's responses and objection to the appellants' application for outline planning permission, submitted on 14.11.22, 13.01.23, 08.02.23, 09.05.23, 14.07.23, 22.03.24 and 04.12.24 highlighted a number of key issues around the proposed development:

- Impact on the Green Belt
- Impact on the Leigh Conservation Area
- Access
- Highway Safety Issues
- Impact on The Green
- Safety of Leigh Primary School and Scribbles Preschool children
- Lack of Secondary Access
- Lack of accurate information
- Impact on Local Wildlife Site
- Impact on Trees
- Local Engagement

These in turn could probably be grouped into three main themes:

1. Leigh and its relationship with the countryside
2. Highway safety and its impact on residents and the village
3. The appellants engagement with the village, Leigh Parish Council and residents

We do not intend to comment further on items 1 or 3 but hope that our earlier submissions on these themes will be considered carefully and seriously.

Highway safety and its impact on residents and the village is however of continuing concern to us in view of the appellants' recent submissions. These suggest to us that they are not listening to the concerns raised by individual residents, their representatives at a parish and district level and the professional officers at the Local Planning Authority or Kent County Council Highways. We are also of the opinion that shortcomings in some of the information they have collected and evidenced, as highlighted below, suggest that much of the rest of their submission is questionable.

The appellants have not demonstrated that the impact of their plans, at the development stage particularly, can be mitigated sufficiently so as not to pose a severe and unacceptable impact on highway safety and the road network. We would go further and say that even after construction, additional traffic generated by the development would have a severe effect on safety and the sustainability of transport. If residents do not feel safe walking or bicycling they will not and cannot travel sustainably.

As is stated several times by the appellants, and also by Kent Highways, paragraphs 115 to 117 of the December 2024 NPPF are clear about the critical importance of road safety and that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios" (Para 116).

In responses to the appellants' pre-application and application consultations Kent Highways set out clear professional opinions that led them to state that the development stage transport plans are unsafe and the appellants have not come up with any significant or realistic mitigating measures to reduce risks. The appellants' latest submissions, in support of their appeal, provides little in the way of additional mitigations

We would highlight the following which for ease of reference uses the appellants' consultants, Motion, headings from their Highways Statement of Case report, which in turn are based on Kent Highways concerns.

1. Point 1 - Highway/Pedestrian Safety on The Green

- a. The appellant is suggesting (5.18) constructing new pathways on land they claim is Kent Highway owned. This is not possible as the land is actually owned by Leigh Parish Council and is part of the registered Village Green. As such it cannot be built on.
- b. There are statements that the construction of Greenview Avenue and Lealands Avenue all dates from the 1960's and 70's and that such historic construction vehicle movements should be a justification for their current plan. This is untrue. Information from residents suggests much of the Greenview Avenue building was from the 1920's. Attached are extracts of Ordnance Survey maps from around 1937 and 1938 and an aerial reconnaissance photograph from 1947 showing that both Greenview and Lealands Avenues had been constructed by these dates, significantly earlier than claimed by the appellants and during a period when there were no vehicles of the types now used.
- c. The appellants have submitted swept path analysis of all the junctions around The Green with the exception of the most critical that from the "main" B2027 road, the High Street, and The Green by the primary school.

Leigh Parish Council retained consultants to undertake this and we attach their report. The main conclusion of this report is that while in a perfect world the specified construction lorries could negotiate the junctions, the reality of other traffic and legally parked cars will cause insurmountable problems. To think that mitigating this by preventing the parking by residents and visitors around much of The Green, Greenview Avenue, The Green Lane and the High Street is not plausible and would have an completely unacceptable impact on highway safety and the road network.

- d. The crash map information submitted (Figure 5.4 and para 5.16) are incorrect or at best incomplete. Certainly, in the past 12 months the Parish Council is aware of one accident in which one car was written off and another badly damaged in an accident on the blind corner in Powder Mill Lane between the B2027 and turning in to The Green. Over 25 years, anecdotally, at least 5 similar accidents have taken place on this bend and there have been sufficient near misses to discount the claim in 5.16 that the existing highway arrangement around The Green is safe for pedestrians and drivers.
 - e. The pedestrian, parking and traffic surveys are in the opinion of the Parish Council flawed in their timings and methodology. We do not believe they provide a correct assessment of the usage of The Green and the roadway. Along most of its length there is no pathway and through much of the year The Green it is too wet to be used on foot in everyday shoes. Pedestrians, particularly schoolchildren, enroute to and from the school and its secondary site in Lealands Avenue are generally in the road and having to negotiate passage with other pedestrians, bicycles and other vehicles both large and small in what, unless very carefully supervised, can be an extremely unsafe manner.
2. Point 2 - Forward Visibility along The Green Lane
- a. No workable mitigations have been suggested. This is an unadopted and exceptionally narrow road. Local residents use it constantly and park along it. It will not be accessible to the large HGV's and the volume of site traffic suggested without significant disruption to residents and a significant compromise in safety.
 - b. No evidence is provided that the appellants or their consultants have had any discussion with the road's owners or street manager.
3. Point 3 – Construction Access Mitigation
- a. The appellants have provided no new mitigations. Their headlines are:
 - i. Suspension of on-street parking during construction hours;
 - ii. Local widening of Greenview Avenue to improve traffic flow during construction and for the final scheme;
 - iii. Provision of a potential new footway on the southern side of The Green between The Green Lane and Greenview Avenue to maximise pedestrian safety; and
 - iv. Commitment to a Construction Traffic Management Plan and measures to ensure safe movement of construction traffic.
 - b. Suspension of on-street parking will have an enormous detrimental impact on residents and an equally large impact on both road safety and the highway network. During the working day there is already insufficient parking around The Green and in nearby roads, including Greenview Avenue and The Green Lane. To restrict further will exacerbate this and in all likelihood any restrictions are likely to be ignored.
 - c. Widening of Greenview Avenue - this will reduce further available parking spaces. As has been pointed out by Kent Highways it will not in reality assist the movement of vehicles to the site, while compromising safety and it will require the removal of a number of trees along the avenue.

- d. New footway - this has already been referred to above. This is not an option.
- e. CTMP etc - as Kent Highways have noted, they really do not believe on the evidence so far submitted that there is any plan or mitigations that will make the movement of construction vehicles safe. The latest submissions do not alter this.

In the appellants' submitted Heads of Terms document and at para 8.8 of their Statement of Case they kindly offer a contribution of £5,000 for pothole repairs. Can we suggest they direct this to Kent Highways as the Parish Council has no responsibility for pothole repairs. Likewise under the same heading of "Parish Council Contribution" sums for the school and village hall repairs should be made directly to those organisations, as SEN and classroom support and maintenance of Leigh Village Hall are also not within the Parish Councils responsibility.

On a final point the veteran oak tree, recognised as an irreplaceable habitat in point 4 of SDC's Refusal document, is an important and protected part of Leigh and The Green's heritage. This important tree is rather dismissed by the appellants and their consultant on the basis that their plans say that no over height/weight/size vehicles will be using that end of The Green. The measuring of vehicle/load height will, according to the consultant, interestingly be made when vehicles exit, not enter the site thus not guaranteeing that an over-height vehicle may indeed use the Powder Mill Lane entrance on their way in with what could be a devastating consequence to the tree.

Congestion at other entry points which are almost guaranteed will, experience teaches us, mean that lorry drivers will ignore instructions and take what routes cause the least delay and will mean that not only over height but over weight vehicles will pass by the tree, under the canopy and cause irreversible damage to its root system. This cannot be allowed to happen.

Kent Highways in one of their submissions (17 April 2024) state that experience suggests the collision of reality with a transport plan is very difficult to monitor and enforce so, in conclusion, we think the risks to highway safety, the road network and the veteran oak are such that the appeal should be dismissed.

In view of the overwhelmingly negative response of residents to this application, and the previous decision by SDC Planning Officers to find grounds to refuse this application, this appeal should also be dismissed as there are no significant changes and the existing multiple and serious concerns remain outstanding - the location is simply unsuitable for this development.

Yours sincerely,

Louise Kleinschmidt
Clerk, Leigh Parish Council

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