

## **FORMAL OBJECTION TO HYBRID PLANNING APPLICATION: 26/02199/OUT**

**Site Location:** Land at Rookery Estates (incorporating Hayes Farm), Hayes Lane and A21 Bromley Common, Bromley

**Development Proposal:** Ravensbourne Place Masterplan (Hybrid Application for up to 2,200 residential units and mixed-use spaces)

**Submission on Behalf of:**

### **Executive Summary**

As local residents and taxpayers directly affected by Hybrid Application 26/02199/OUT, we formally object to the Ravensbourne Place Masterplan proposing up to 2,200 residential units and mixed-use spaces across 59.3 hectares of land at Rookery Estates and Hayes Farm.

This application represents an unsustainable overdevelopment of a sensitive suburban fringe. A rigorous audit of the applicant's submission shows the proposal conflicts with national and local planning frameworks. It is characterized by material omissions, factual discrepancies, methodological gaps, and significant regulatory non-compliances across multiple disciplines.

The following are the primary grounds for refusal that must be considered by the planning committee. These are detailed in full within the core sections of this document, alongside many other substantive grounds for refusal.

- **Green Belt and Footnote 7 Restrictions (Section 1):** The site triggers multiple Footnote 7 assets—including active Green Belt land checking sprawl, Fluvial Flood Zones 2 and 3, and protected agricultural soil—which disengages the tilted balance under NPPF Paragraph 11(d)(i).
- **Sequential Flood Risk Failure (Section 2):** The applicant has not demonstrated a compliant borough-wide brownfield sequential assessment before proposing development on land intersected by the River Ravensbourne.
- **Loss of Best and Most Versatile Agricultural Land (Section 3):** The permanent loss of over 36 hectares of Sub-grade 3a agricultural topsoil conflicts with national soil conservation policies.
- **Acute Social Infrastructure Deficits (Section 4):** Local GP surgery ratios (2,570:1) and Special Educational Needs and Disabilities (SEND) deficits cannot absorb the generated population demand without an adverse impact on public services.

- **Transport and School-Zone Hazards (Section 5):** The integration of 455 daily commercial servicing trips—with 86 compressed into the 15:00–16:00 window—collides with afternoon school dismissals on Hayes Lane, unbacked by agreed VISSIM micro-simulation modeling.

When evaluated against statutory requirements, the application fails on multiple independent grounds and warrants refusal.

## **Core Objections and Technical Analysis**

### **Section 1: Green Belt Status, Spatial Integrity, and Heritage Devaluation**

#### **1.1 Failure of the Threshold Test: Invalidation of "Grey Belt" Status**

The applicant's HPA hinges entirely on a flawed attempt to bypass strict Green Belt protections by self-classifying the 59.3-hectare site as "Grey Belt" under Paragraph 155 of the NPPF. To qualify for this pathway, the applicant must demonstrate that the land makes no "strong" contribution to the core purposes of the Green Belt. The applicant's submission fails this threshold test on its own face; their own planning consultants (Stantec) explicitly concede within the technical appendices that the site fulfills a "moderate contribution to checking unrestricted sprawl." In planning law, a "moderate" contribution is a material, positive contribution that invalidates the assertion that the land is of low spatial or environmental value. The "Grey Belt" designation is an artificial construct designed to evade the statutory requirement to demonstrate Very Special Circumstances (VSC), and it must be rejected as a matter of law.

#### **1.2 The Legal Primacy of Physical Openness Over Visual Amenity**

Under established High Court precedent (*Turner v Secretary of State for Communities and Local Government [2016]*), the concept of Green Belt "openness" is not a statement about visual untidiness or landscape quality; it is a strict concept of spatial presence; the absolute absence of built development. The applicant's Environmental Statement explicitly concedes that the site is an "extensive open green space" consisting of "open pastureland." Reversible equestrian shelters and grazing uses constitute standard open countryside activities that do not strip greenfield land of its essential, permanent openness. The introduction of 2,200 high-density homes constitutes a radical, permanent spatial volumetric intervention, fundamentally destroying the core greenfield reality that the Green Belt exists to protect.

#### **1.3 The "Green Wedge" Contradiction and Purpose A (Unrestricted Urban Sprawl)**

The applicant's submission contains an irreconcilable spatial contradiction regarding Green Belt Purpose A. In Paragraph 6.36 of their planning statement, the applicant defines the site as a "'finger' protruding into the urban area of Bromley," using this geometry to argue that the 2,200-home scheme behaves merely as an "infill

settlement." Legally and geographically, this is an erroneous interpretation. In planning geography, infiltrating green wedges or "fingers" perform the primary containment function required under Purpose A, specifically checking the outward pressure of large built-up areas by providing internal buffering zones. Pushing the urban perimeter completely out to the hard structural boundaries of Hayes Lane and the A21 Bromley Common permanently eliminates a vital containment wedge.

#### **1.4 Legal Misapplication of Settlement Demarcation under Purpose B (Spatial Coalescence)**

The applicant relies on a narrow, literalistic interpretation of the Planning Practice Guidance (PPG) to dismiss the site's performance against Green Belt Purpose B (preventing neighboring towns from merging). The applicant asserts that because the distinct settlements of Chatterton (Southborough) and Hayes both sit within the wider administrative post town boundary of Bromley, the development cannot cause "towns to merge." This represents a fatal legal elision. In planning law, the evaluation of spatial coalescence is governed by physical geography, visual perception, and community identity, not administrative lines drawn on a local authority map.

Chatterton/Southborough and Hayes possess entirely separate historical origins, townscape characters, and built forms. The 59.3-hectare application site represents the definitive, remaining open landscape break keeping these distinct neighborhoods visually and physically separated.

#### **1.5 Character Devaluation and Statutorily Defined Heritage Harm**

The applicant's masterplan proposes a high-density design that represents a severe architectural clash with the established, low-rise, low-density suburban character of Bromley Common and Hayes. Under Environmental Impact Assessment (EIA) regulations, a finding of "Moderate" or "Major" adverse harm constitutes a statutorily Significant Effect. The applicant's own expert has admitted that the project will cause legally significant harm to multiple protected assets:

- **Landscape & Views:** The ES projects a Major Adverse residual effect during both construction and operation, fundamentally destroying the existing site character, open grasslands, and the amenity value for Public Right of Way (PROW FP131/BY131) users.
- **Hayes Farmhouse (Grade II Listed):** The ES admits that Phase A will result in a Moderate Adverse Significance of Effect during both construction and operation, disrupting its architectural interest and historical farmland associations.
- **Ravensbourne School & Railings (Grade II Listed):** The ES admits that Phase B will result in a Moderate Adverse Significance of Effect under a worst-case scenario at maximum parameter heights.

In planning law, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, decision-makers must give “considerable importance and weight” to the desirability of preserving the setting of listed buildings (*Barnwell Manor*). Because the applicant's own ES identifies statutorily significant, unmitigated adverse effects on Grade II assets and the wider landscape, the local planning authority (LPA) must apply a strong presumption against granting permission.

## **Section 2: Hydrological Integrity, Flood Risk Mitigation, and Surface Water Drainage**

### **2.1 Failure of the Statutory Flood Risk Sequential Test and Flawed Spatial Screening**

The applicant's Flood Risk Assessment (FRA) (Appendix F1) fails to satisfy the statutory requirements of the Flood Risk Sequential Test set out in Paragraph 167 of the NPPF. The northern parcel of the 59.3-hectare Application Site is intersected by the River Ravensbourne corridor and falls within Flood Zone 2 and Flood Zone 3. The Sequential Test is a strict, legally mandated spatial filtering mechanism designed to steer high-density residential developments to areas with the lowest risk of flooding (Flood Zone 1).

The applicant has artificially restricted the geographic scope of their alternative site search by applying overly rigid housing mix criteria and an inflexible capacity threshold of 1,500 units. Legally, the Sequential Test cannot be confined to pre-owned sites or single large-scale allocations. As affirmed by established planning precedent (*Mead v Secretary of State*), the availability of a combination of smaller, sequentially preferable, lower-risk urban brownfield sites across the London Borough of Bromley must be fully explored. The applicant's failure to conduct a rigorous, Borough-wide audit of realistic alternatives means the LPA lacks the lawful basis to proceed to the Exception Test, requiring an immediate refusal under national policy.

### **2.2 Misapplication of Surface Water Exemptions and Off-Site Downstream Impacts**

The applicant attempts to bypass a comprehensive Sequential Test for pluvial (surface water) flood risk by relying on recent updates to the Planning Practice Guidance (PPG). However, this regulatory exemption is strictly conditional: the applicant must explicitly demonstrate that the development will remain safe throughout its operational lifetime without increasing flood risk elsewhere. The current submission fails to meet this evidentiary threshold. The FRA relies on speculative drainage capacity assumptions, planning a direct connection into a Thames Water surface water sewer situated on Hayes Lane. Thames Water's own asset network data confirms that this infrastructure is operating at near-capacity and requires significant, unmodeled downstream network upgrades. By leaving network upgrades unresolved, the applicant cannot guarantee that peak pluvial events will not displace massive volumes of surface water into the wider Bromley catchment.

## **2.3 Hydrogeological Disruption: Permanent Loss of Greenfield Catchment Absorbency**

The conversion of 59.3 hectares of natural, absorbent greenfield pastureland into a high-density urban development constitutes a profound and permanent intervention in the hydrological regime of the Upper Ravensbourne catchment. The applicant's sustainable drainage strategy (SuDS) (Appendix F3) relies heavily on engineered attenuation basins and balancing ponds to mimic greenfield run-off rates. However, this strategy fails to account for the unique hydrogeological realities of the local clay and gravel strata, which exhibit highly variable infiltration capacities. During prolonged, high-intensity winter rainfall events, engineered attenuation structures face an acute risk of structural saturation, leading to uncontrolled overland sheet flow, presenting a continuous threat to the hydrological stability of adjacent properties along the B265 Hayes Lane corridor.

## **Section 3: Loss of Agricultural Land and Soil Resource Degradation**

### **3.1 Irreversible Destruction of Best and Most Versatile (BMV) Agricultural Land**

The Environmental Statement (Chapter 8: Soils and Land Use) explicitly concedes that 61.2% of the Application Site consists of Sub-grade 3a agricultural land. Under the statutory definitions set out in the NPPF (Annex 2), Sub-grade 3a land is explicitly classified as Best and Most Versatile (BMV) agricultural land, representing a finite, nationally protected land resource. The construction of 2,200 residential units will result in the permanent, irreversible loss of over 36 hectares of this prime agricultural soil. The Environmental Statement formally labels this loss as a Moderate to Major Adverse environmental effect that cannot be mitigated or reversed. Sacrificing over 36 hectares of prime agricultural soil for a housing estate represents a direct violation of national soil conservation policy and provides an independent, substantive ground for refusal.

### **3.2 Failure to Demonstrate the Legal Prerogative of Alternative Non-BMV Allocations**

In accordance with national planning practice mandates and the statutory duties governing sustainable land use, developers seeking to build on BMV agricultural land must robustly demonstrate that the development cannot be sequentially located on alternative, lower-quality agricultural land or urban brownfield allocations. The applicant's submission lacks any such comparative spatial analysis. Because the loss of BMV land is a statutorily recognized Significant Effect under the EIA Regulations, the applicant bears the absolute legal burden of proving that no alternative, non-BMV land exists within the borough to satisfy the identified housing need. The complete omission of a formal agricultural land sequential assessment leaves the application legally deficient.

### **3.3 Unsustainable Soil Management Strategy and Severe Ecological Degradation**

The applicant's Outline Soil Management Plan (Appendix H2) suggests that the environmental impacts on the soil resource can be adequately managed through the excavation, stockpiling, and redistribution of the topsoil within the proposed green infrastructure zones. From a technical perspective, this assertion is entirely unviable. The heavy mechanical movement and long-term stockpiling required during a multi-phased, 21-year construction timeline will permanently destroy the complex biological matrix, structural integrity, and microbial profile of the BMV topsoil. The process leads to severe anaerobic compaction, stripping the soil of its natural drainage capabilities, in direct conflict with Bromley Local Plan Policy 73 and London Plan Policy G9. Furthermore, the applicant's standalone Circular Economy Statement fundamentally miscategorizes this prime agricultural resource, treating irreplaceable Sub-grade 3a topsoil as standard construction and excavation waste rather than applying the highest tier of the waste hierarchy. Failing to provide a bespoke, zero-loss soil preservation protocol directly invalidates the applicant's professed compliance with London Plan Policy SI 7.

### **Section 4: Infrastructure Deficits: Primary Healthcare Insufficiency and Educational Capacity Decline**

#### **4.1 The Primary Healthcare Illusion: Failure to Deliver Net Capacity under London Plan Policy GG3**

The applicant's Health Impact Assessment (HIA) attempts to present the inclusion of a 1,376 sq.m GIA health centre in Phase 1 as a substantial community benefit capable of mitigating the primary healthcare demand of 5,840 new residents. This assertion is a profound deception that mischaracterizes the operational reality of NHS commissioning. The applicant is merely constructing a physical shell; the application does not—and cannot—secure a new General Practice contract, nor does it guarantee the recruitment of a single additional Full-Time Equivalent (FTE) GP.

As established in local resident consultations and NHS strategic realities, this facility is designed purely as a rehousing and co-location hub to swallow up existing, space-constrained local practices within the 1.6 km Local Impact Area (LIA). The baseline primary healthcare network is already in a state of crisis, operating at an unsustainable average ratio of 2,570 patients per FTE GP—drastically exceeding the South East London ICB average (1,951:1) and the national benchmark (1,737:1).

By merely providing space without secured revenue funding or guaranteed clinical recruitment, the applicant fails to satisfy the structural tests of London Plan Policy GG3 (Creating a healthy city) and Bromley Local Plan Policy 26 (Health and Wellbeing). If existing local practices fail to consolidate or face the ongoing national GP recruitment

deficit, the Borough will be left with an empty, unstaffed medical shell, exposing the surrounding community to a catastrophic degradation of primary care access.

#### **4.2 Methodological Flaws in Early Years and Secondary Education Demography**

The applicant's reliance on long-term macro-demographic declines to justify the total absence of on-site educational provisions constitutes an unacceptable risk to local infrastructure. The application projects a yield of 146 early years places and 342 secondary pupils. To clear the hurdles of Bromley Local Plan Policy 20, the applicant relies entirely on GLA demographic modeling indicating an 11% decline in the local 0–4 population and a projected 20% drop in secondary school rolls within the catchment by 2045.

This macro-temporal justification is highly speculative and legally unsafe. By treating long-term regional birth-rate declines as an absolute certainty across a 21-year build-out horizon, the applicant fails to provide the resilient, trigger-based mitigation required under Paragraph 99 of the NPPF.

Crucially, the applicant's secondary school assessment acknowledges an immediate baseline deficit of 28 places, with all walking-distance secondary schools currently heavily oversubscribed. Even if macro-demographic declines materialize by the mid-2040s, the development will generate a severe, unmitigated short-term capacity deficit of approximately 370 places during the critical middle phases (2035–2042).

Failing to secure binding, phased Section 106 financial contributions to fund immediate classroom expansions—relying instead on speculative future population dips—leaves the scheme in direct violation of London Plan Policy S3 (Education and childcare facilities).

#### **4.3 Unmitigable Major Adverse Impact on Special Educational Needs and Disabilities (SEND) Infrastructure**

The most severe and legally fatal infrastructure deficiency resides within the Special Educational Needs and Disabilities (SEND) assessment. The development is projected to yield a minimum of 75 additional SEND pupils. The applicant's own HIA explicitly concedes that Bromley's SEND infrastructure is under acute structural stress, exhibiting an immediate baseline deficit of 87 places borough-wide and 68 places within the immediate catchment, alongside a compounding 14% annual increase in Education, Health and Care Plans (EHCPs).

The HIA formally categorizes the project's impact on SEND provision as a Major Adverse and Significant Effect under the EIA Regulations. In planning law, a documented, statutorily significant adverse impact on highly vulnerable children cannot be left to loose, unquantified outline planning conditions.

The application completely lacks a dedicated, legally binding financial mitigation matrix within the draft Section 106 framework to fund Additionally Resourced Provisions (ARPs) or specialized state expansions within the catchment. Consequently, the proposal directly conflicts with the statutory obligations of the local authority to ensure sufficient school places, representing an independent, substantive ground for immediate refusal under national and local social infrastructure policies.

## **Section 5: Transport, Access, and Sustainable Transport Connectivity**

### **5.1 Methodological Defect: Breach of EIA Regulations via Obsolete Baseline Data**

The Transport Assessment (TA) (Appendix E1) underpinning the Environmental Statement (ES) is fundamentally deficient under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The applicant explicitly admits to discounting contemporary datasets, choosing instead to rely on travel-to-work patterns derived from historical census data that fails to reflect the profound, permanent structural shifts in London's transport and logistics architecture over the last decade. By failing to account for contemporary baseline data, the applicant has systematically underestimated the modern exponential baseline for home deliveries and gig-economy servicing trips. Consequently, the ES fails to provide the "reasonable forecast" required by law, invalidating the traffic distribution models upon which the entire capacity assessment rests.

### **5.2 Severe Cumulative Residual Impact on Highway Safety and School Zones**

The applicant's Draft Delivery & Servicing Plan (DSP) (Appendix E3) demonstrates that the proposed mixed-use development will generate an unsustainable volume of commercial traffic onto a highly constrained network. Once fully constructed, the development will introduce a minimum of 455 additional daily servicing trips to the local area. This commercial volume is heavily compressed into daytime windows; specifically, the DSP projects 86 daily servicing movements between 15:00 and 16:00. This peak delivery period directly coincides with the afternoon school-run operations of the directly adjacent Ravensbourne School and Bromley Trust Academy on Hayes Lane.

Under Paragraph 115 of the National Planning Policy Framework (NPPF), development must be refused on highway grounds if the residual cumulative impacts on the road network would be severe, or if the associated interactions would cause an unacceptable impact on highway safety. The introduction of heavy logistics and multi-drop delivery vans into an active, high-density school zone during peak dismissal hours creates an unmitigable hazard to vulnerable road users, in direct conflict with London Plan Policy T4 and Bromley Local Plan Policy 30.

### **5.3 Evidentiary Deficit and Procedural Prematurity: The VISSIM Micro-Simulation Gap**



The application is procedurally premature as it fails to include comprehensive VISSIM micro-simulation modeling for the strategic B265 Hayes Lane / A21 Bromley Common crossroads. As explicitly admitted under Assumptions and Limitations (Paragraph E3.85 of the ES), the VISSIM micro-simulation model was not agreed upon with Transport for London (TfL) at the time of submission. Standard isolated junction capacity modeling (such as LinSig or Junctions 9) is entirely inadequate to simulate the real-world compounding effects of queues tailing back from the A21 TLRN network onto the B265. Without dynamic network micro-simulation modeling that captures the interaction between closely spaced junctions, pedestrian crossings, and school-bus drop-offs, the Local Planning Authority (LPA) lacks the necessary empirical evidence to satisfy itself that the network will not suffer catastrophic gridlock.

#### **5.4 Fundamental Absence of Enforceable Delivery Management and Oversight**

A critical legal vulnerability exists within Section 5.2 of the applicant's Draft DSP, which explicitly states:

*"Due to the nature of the proposed residential aspect of the development, there will be no dedicated person appointed to oversee the servicing operations for this element of the development."*

By the applicant's own admission, 94% of the total servicing traffic destined for the site (427 daily trips) will be completely unmonitored and unregulated by on-site management personnel. To be considered a lawful basis for granting permission, a planning obligation or mitigation framework must be reasonable, precise, and enforceable. The applicant is seeking to secure approval for a high-density scheme while offering a servicing plan that abdicates operational control over the vast majority of vehicles entering the site, failing to meet the basic standards required by TfL's Delivery and Servicing Plan Guidance.

#### **5.5 Temporal Invalidation: The 21-Year Development Timeline Mismatch**

The HPA sets out an extended, multi-phased development timeline spanning over two decades (2028 to 2049). However, the Transport Assessment baseline fails to dynamically model the evolution of the local highway network over this 21-year horizon. It treats the background traffic growth and committed infrastructure changes as static variables based on short-term projections. Legally, the transport assessment must evaluate the environmental impacts at the date of full completion. By failing to model the cumulative interactions of future surrounding growth up to the 2047 horizon, the application understates the severe long-term impacts on the borough's infrastructure.

#### **5.6 High Risk of Vehicular Overspill and Obstruction on the B265 Hayes Lane**

The applicant highlights in Section 2.12 that the B265 Hayes Lane "is not subject to any parking or loading restrictions for its entire length." Rather than acting as a mitigating

factor, this represents a severe operational risk. Given the high-frequency, time-sensitive nature of modern residential delivery services, couriers will bypass the internal estate road network entirely. Instead, they will exploit the lack of restrictions on Hayes Lane to load and unload directly on the public highway. This will effectively reduce a critical 9-meter wide two-way corridor down to a single lane, causing severe tailbacks affecting access to Bromley Football Club (Hayes Lane Stadium), Norman Park, and the Nuffield Health Centre, violating London Plan Policy T7.

### **5.7 Failure to Deliver Sustainable Transport Connectivity: Artificial PTAL and Unsustainable Walking Distances**

The applicant's assertion that the site functions as a highly connected, sustainable urban extension is decoupled from geographic reality and fails the core sustainability tests set out in Chapter 9 of the NPPF and London Plan Policy T1. Policy T1 dictates that development must be focused in areas with high public transport accessibility to actively reduce private car dependency. The applicant relies heavily on the proximity of Hayes Station and Bromley South Station to justify sub-standard, low residential parking ratios, yet a precise spatial analysis reveals these transit hubs are well outside acceptable, real-world walking thresholds:

- Hayes Station sits at an average walking distance of approximately 1.3 to 1.6 miles, equating to a 25-to-30-minute pedestrian journey.
- Bromley South Station is situated over 1.5 miles away, requiring a 30-minute+ walk along heavily congested arterial routes.

According to the Institution of Highways and Transportation (IHT) guidelines (*Providing for Journeys on Foot*), the "acceptable" walking distance for commuting is 1,000 meters (0.6 miles), with 2,000 meters (1.2 miles) representing the absolute maximum preferred threshold. Treating these stations as viable pedestrian destinations artificially inflates the site's accessibility profile and calculated Public Transport Accessibility Level (PTAL) scores, failing to satisfy Bromley Local Plan Policy 32.

### **5.8 Structural Contradictions and Institutional Enforceability Gaps in Parking Strategies**

The application's Framework Travel Plan (FTP) (Appendix E2) and Car Parking Management Plan (CPMP) (Appendix E4) present conflicting approaches to mitigating local traffic impacts, creating potential enforcement deficits under London Plan Policy T6 and Bromley Local Plan Policy 30. While the application outlines a strategy compliant with regional maximum parking ratios, it excludes individual family-home garages from the development's formal parking quantum calculation. This accounting method under-reports the physical volume of private vehicles accommodated on site, leaving the true highway impacts unmitigated.

Additionally, the FTP's targeted 55.3% sustainable modal split relies on the assumption that 34.2% of all resident journeys will be made on foot, which lacks empirical support given the outer-London suburban location. The CPMP confirms that there are currently no definitive plans or allocated funding sources to implement or extend local Controlled Parking Zones (CPZs), making reliance on future council-led restrictions speculative. Instead, the applicant proposes to govern parking on unadopted private roads through property covenants and management warnings, which lack the statutory enforcement capabilities of a Local Authority Traffic Management Order (TMO). Consequently, because the long-term travel targets are bounded only by a "best endeavours" commitment rather than clear, trigger-based financial remedies, the framework lacks the necessary legal mechanisms to ensure compliance.

## **5.9 Technical Inconsistencies and Omitted Capacity Data**

The application documents exhibit profound technical contradictions that demonstrate a lack of coordination across the environmental suite. There are direct conflicts between the vehicle dimensions set out in the Draft DSP (Appendix E3), the Operational Waste Management Plan (Appendix C6), and the Framework Travel Plan (Appendix E2) regarding the maximum size of refuse vehicles permitted to access the site. Furthermore, the applicant has systematically omitted three critical pieces of technical data from the public files, replacing empirical proof with subjective assertions:

- **Omission of Baseline Junction Capacity Modeling (RFC and V/C):** The applicant has failed to publish the specific Ratio of Flow to Capacity (RFC) and Degree of Saturation (V/C) values for the critical B265 Hayes Lane / A21 Bromley Common crossroads.
- **Omission of Swept Path Analysis Sign-off (Appendix E1):** The actual geometric swept path tracking diagrams for large vehicles have been omitted from public scrutiny.
- **Failure to Analyze Personal Injury Accident (PIA) Data:** The Transport Assessment fails to integrate the standard 5-year Personal Injury Accident history for the B265 Hayes Lane corridor.

## **Section 6: Air Quality, Climate Change, and Cumulative Micro-Temporal Vulnerabilities**

### **6.1 Methodological Failure of Long-Term Baseline Assumptions and Admitted PM2.5 Violations**

The Environmental Statement's air quality modeling is deeply flawed and scientifically vulnerable due to its speculative 21-year projection framework. The EPUK/IAQM guidance explicitly states that determining significance relies on "the background and future baseline air quality and whether this will be likely to approach or exceed the

values set by air quality objectives." Projecting a stable or improving baseline across a multi-decade horizon up to 2049 is entirely unrealistic; minor deviations in future background traffic or climate patterns will completely invalidate the initial predictive models.

Furthermore, Appendix H7 explicitly concedes a severe environmental failure, noting that "The GLA Target for future PM2.5 concentrations, however, is expected to be exceeded across areas of London." Proceeding with a massive hybrid masterplan that will actively expose our family and future residents to known target exceedances over a 21-year period directly conflicts with London Plan Policy SI1 (Part C), which mandates that developments must minimize exposure to existing poor air quality.

## **6.2 Evidentiary Deficiencies and Enforceability Gaps in the Air Quality Positive (AQP) Matrix**

Under London Plan Policy SI1, strategic masterplans are required to demonstrate a design-led, net-positive improvement in local air quality through an Air Quality Positive approach. However, the applicant's AQP Matrix reveals a profound evidentiary deficit: critical mitigation infrastructure—including pedestrian/cycle access networks, the cargo bike hire scheme, the localized mobility hub, and off-site footway and bus stop improvements—is categorized as purely qualitative ("N" for quantitative assessment).

Relying on unquantified, narrative-based assumptions provides no empirical guarantee that air quality will actually be protected. Most transport emissions mitigations are vaguely listed as "secured by approved plans or conditions" or via a future Travel Plan. Because a planning condition must be precise and strictly enforceable to be lawful, relying on unevidenced, qualitative assertions to claim a site-wide "Net Positive" standard leaves the Council with insufficient evidence to justify approval.

## **6.3 The Macro-Temporal Disconnect: Regulatory Drift and Emissions Benchmark Lock-In**

The extended 21-year development timeline creates a macro-temporal conflict with evolving statutory environmental standards. The "Air Quality Neutral" assessment utilizes current Building Emissions Benchmarks (BEBs) and Transport Emissions Benchmarks (TEBs). Securing a hybrid permission today based on 2026 criteria means that later phases, constructed in the 2030s and 2040s, will be legally permitted to operate under obsolete emissions thresholds that lag significantly behind future statutory Net Zero targets.

Additionally, while the applicant highlights an "all-electric energy strategy" to eliminate on-site operational combustion emissions, this creates an entirely siloed assessment. The ES fails to reconcile or offset the intense, prolonged greenhouse gas footprint and

embodied carbon generated by heavy construction logistics and earthworks operating continuously across the site for over two decades.

#### **6.4 The "Slight Impact" Compounding Effect and Unlawful Phase-by-Phase Isolation**

The applicant's assessment treats individual phases as self-contained units, evaluating their environmental impacts in isolation to conclude that individual phases yield only a "slight" or "negligible" localized impact. This approach directly violates the core principles of the EPUK/IAQM guidance, which states that "several impacts that are described as 'slight' individually could, taken together, be regarded as having a significant effect for the purposes of air quality management."

By functionally decoupling the phases, the developer fails to model the real-world compounding friction of the scheme. Over a 21-year horizon, the continuous accumulation of multiple "slight" traffic and dust impacts will generate a substantial, permanent downward shift in local air quality. Failing to dynamically model this aggregated long-term friction constitutes a clear failure to evaluate cumulative environmental effects under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

#### **6.5 Structural Fragmentation of Long-Term Monitoring Frameworks**

The mitigation frameworks set out in the AQP Matrix are structurally incompatible with the masterplan's temporal scale. The matrix states that the site-wide Travel Plan includes a "five-year monitoring process following occupation."

In a phased build-out spanning from 2028 to 2049, a standard five-year monitoring window means that the mitigation and oversight structure for Phase 1 will completely expire long before subsequent phases are even constructed. The monitoring framework is entirely fractured; the developer cannot legally or operationally mitigate cumulative transport and air quality impacts site-wide if early phases slip out of active monitoring and enforcement mechanisms before later phases begin generating their own baseline traffic.

#### **6.6 Socio-Environmental Baseline Decay and Obsolete Health Data Foundations**

The Health Impact Assessment (HIA) underlying the environmental suite is built upon an unstable data foundation that renders its conclusions entirely unsafe. The HIA relies on static, historical baselines, including 2021 Census data, 2024 ONS population estimates, and the 2025 Indices of Deprivation.

Utilizing mid-2020s data to justify the socioeconomic, health, and environmental impacts of a project that will not reach full completion until the late 2040s is demographically invalid. Over a 21-year horizon, the local community profile, baseline health vulnerabilities, and background pollution concentrations will transform entirely.

The applicant's reliance on decaying baseline data deprives the Local Planning Authority of the accurate empirical framework required to execute its statutory duty under the planning balance.

## **Section 7: Ecological Baseline Deficiencies, Light Pollution, and Ancient Woodland Intrusion**

### **7.1 Material Deficiencies in Protected Species Baseline Data and Procedural Prematurity**

The Environmental Statement (ES) Appendices—specifically the Lighting Strategy Report and the Landscape and Ecology Management Strategy (LEMS) dated May 2026—exhibit a fatal methodological flaw that invalidates the applicant's ecological mitigation framework. The Lighting Strategy explicitly states that "as of May 2026, bat surveys are yet to be undertaken" and "breeding bird surveys are being carried out."

In planning law, it is a well-established principle that a Local Planning Authority (LPA) cannot lawfully grant planning permission—including outline or hybrid consents—where the environmental baseline data for European Protected Species (EPS) is incomplete. Under the Conservation of Habitats and Species Regulations 2017 and Paragraph 186 of the National Planning Policy Framework (NPPF), complete protected species surveys must be executed prior to determination so that the effects can be fully understood and mitigated.

By drafting the LEMS and designing spatial lighting buffers (Zones A–D) in the absence of empirical survey data, the applicant's mitigation measures are entirely speculative. The LPA cannot safely evaluate the effectiveness of the proposed "Dark Corridors" or establish lawful light thresholds without definitive baseline data mapping the exact flight paths, foraging behaviors, and roost locations of the protected bat species utilizing the site. The application is therefore procedurally premature and legally deficient.

### **7.2 Flawed Environmental Lighting Zone Classification and Policy Non-Compliance**

The applicant has artificially minimized the perceived impact of the development by classifying the 59.3-hectare site as falling within an E3 "Suburban" Environmental Lighting Zone (Medium district brightness). This baseline designation directly conflicts with the London Borough of Bromley (LBB) Local Plan Policy 122 (Light Pollution) and NPPF Paragraph 191(c), which mandates the protection of intrinsically dark landscapes and nature conservation assets.

The applicant's own baseline assessment acknowledges that the site "consists predominantly of arable fields which are currently unlit." Adopting an E3 classification relies on regional satellite data influenced by the wider Greater London backdrop rather than the physical reality of the site itself. By artificially elevating the baseline zone to E3,

the applicant seeks to permit significantly higher maximum obtrusive light thresholds, glare, and sky glow than a greenfield/arable baseline permits. To ensure robust protection for the adjacent River Ravensbourne Site of Importance for Nature Conservation (SINC) and nearby ancient woodlands, the site must strictly be held to E2 (Rural/Low district brightness) criteria.

### **7.3 Introduction of High-Impact Lighting Infrastructure and Vertical Plane Luminescence**

The proposed lighting infrastructure introduces severe urbanizing elements that violate LBB Local Plan Policy 122 (criterion II), which dictates that artificial light must not be visibly obtrusive within the wider area, as well as London Plan Policy D8 (Public Realm).

Specifically, the Lighting Strategy introduces Primary Streetlighting columns at heights of 10 to 15 meters and incorporates architectural tree uplighting within the masterplan. Column heights of up to 15 meters are entirely disproportionate for an urban fringe, residential-led development and will inevitably cause extensive, unmitigable light spill across a flat landform. Furthermore, the inclusion of tree uplighting within a site designated as a critical night-time wildlife corridor directly violates the Institution of Lighting Professionals (ILP) Guidance Note 08/23 (Bats and Artificial Lighting) by introducing disruptive vertical plane illumination into functional green infrastructure boundaries.

### **7.4 Spatial Intrusion and Hydrological Vulnerability within the Ancient Woodland Buffer Zone**

The Landscape and Ecology Management Strategy (LEMS) reveals a critical spatial conflict with statutory ancient woodland protections. Section 5.4.1 of the LEMS details that the applicant proposes to construct an active travel route, a shared access link, and a self-binding path within the 15-meter buffer zone of the W1 designated Ancient Semi-Natural Woodland.

This spatial intrusion breaches the Standing Advice issued by Natural England and the Forestry Commission, as well as NPPF Paragraph 186(c), which requires the absolute protection of ancient woodland from degradation. While the LEMS asserts that no structural built form is situated within the buffer of the adjacent W2 woodland, the physical encroachment into W1's critical root protection area via hardstanding construction presents an unacceptable risk. Any subsequent Arboricultural Method Statement (AMS) detailing "no-dig" geocell mechanics must be rejected, as the engineering works risk altering the delicate hydrological and micro-climatic baseline of the ancient woodland floor.

### **7.5 Statutory Conflict with Tree Preservation Orders (TPOs)**

The urbanization of the site, as detailed across the masterplan parameters, results in the direct destruction of arboricultural assets protected by law. The submitted documentation confirms that the layout requires the removal of trees explicitly protected under local statutory orders, specifically T37, T78, G10–G12, and G51.

This clear loss represents a direct violation of LBB Local Plan Policy 73 (Development and Trees). The applicant has failed to demonstrate that the scheme has adhered to the mandatory mitigation hierarchy. Rather than optimizing the spatial layout to preserve these legally protected TPO units, the applicant has prioritized housing density, failing to demonstrate the exceptional circumstances required to justify the removal of statutory arboricultural assets.

## **7.6 Premature Fragmentation of the Environment Act 2021 Monitoring Framework**

The application presents a structural enforceability gap concerning its statutory Biodiversity Net Gain (BNG) commitments under the Environment Act 2021. While the LEMS outlines a generic 30-year management window, the applicant has decoupled this document from the definitive Habitat Monitoring and Management Plan (HMMP), which has been deferred to a later date.

By splitting the spatial management mechanisms of the LEMS from the empirical monitoring metrics of the HMMP, the applicant has fragmented the statutory enforcement framework. Consequently, the LPA cannot legally validate or secure the mandatory net gain targets at this stage, creating an unacceptable compliance risk under LBB Local Plan Policy 69 and London Plan Policy G6.

## **Section 8: Construction Environmental Management Plan (CEMP) Realities and Long-Term Amenity Degradation**

### **8.1 The 21-Year Construction Horizon and the Legal Breakdown of "Temporary" Disruption**

The application documents establish a multi-phased build-out timeline spanning an unprecedented two decades (2028 to 2049). In planning law and Environmental Impact Assessment (EIA) practice, the acceptance of construction-phase nuisance—such as elevated noise, particulate dust, vibration, and localized HGV traffic—is predicated on the legal fiction that such impacts are short-term, temporary, and finite.

A continuous 21-year heavy construction horizon shatters the legal boundaries of what constitutes a temporary impact. Subjecting the surrounding residential community, local schools (Ravensbourne School and Bromley Trust Academy), and health facilities on Hayes Lane to two decades of continuous heavy earthworks, pile-driving, and industrial logistics represents a semi-permanent industrialization of a suburban residential fringe. Standard outline Construction Environmental Management Plan



(CEMP) conditions are structurally incapable of mitigating or regulating chronic, multi-decade environmental degradation, providing a substantive ground for refusal.

Lastly, the structural inadequacies of the applicant's environmental management framework are further compounded by the omissions in their Circular Economy documentation. Across a 21-year build-out, the CES fails to establish binding, phase-specific post-construction monitoring reports or enforceable material-recovery thresholds required by GLA guidance under London Plan Policy SI 7, leaving the LPA without statutory mechanisms to verify or enforce circularity targets across later phases.

## **8.2 Failure of the Framework CEMP to Provide Enforceable Haulage and Traffic Routing Safeguards**

The applicant's framework construction logistics documentation relies heavily on generalized, unenforceable commitments to manage heavy goods vehicle (HGV) movements through future, detailed CEMPs. This approach fails to meet the basic legal tests of precision and enforceability required for planning conditions.

Crucially, the framework CEMP fails to mandate binding, legally secured routing restrictions and temporal embargoes that completely prohibit construction logistics and HGV movements during peak school arrival and dismissal windows (08:00–09:00 and 15:00–16:00). Given the extreme congestion already documented along the B265 Hayes Lane corridor, the absence of rigid, enforceable operational constraints on contractor vehicle movements creates an unacceptable hazard to children and vulnerable road users, directly conflicting with NPPF Paragraph 115 and Bromley Local Plan Policy 30.

## **8.3 Chronic Cumulative Amenity Degradation and the Failure of Mitigation Thresholds**

The Environmental Statement assesses construction noise, dust, and visual intrusion on a phase-by-phase basis, artificially isolating each stage to conclude that localized impacts will be kept within acceptable parameters. This compartmentalized approach violates core EIA principles regarding cumulative effects.

Over a 21-year multi-phased lifecycle, as one phase concludes and the next immediately commences adjacent to existing residential properties, local residents will experience a continuous, unbroken compounding of environmental friction. The framework mitigation measures—such as temporary acoustic hoarding and standard dust suppression sprays—are designed for short-term projects and will suffer structural fatigue and administrative neglect over a multi-decade timeline. The resulting permanent loss of residential amenity and peaceful enjoyment of property directly

breaches London Plan Policy D14 (Noise) and Bromley Local Plan Policy 37, reinforcing the statutory presumption against the development.

## **Section 9: Groundworks, Contamination, Geotechnical Instability, and Hydrogeological Hazards**

### **9.1 Failure of Site Characterisation and Breach of Environmental Protection Standards via Uncontrolled Historical Backfilling**

The Groundsure Geo-Environmental Insight Report (Appendix A) establishes that the application site encompasses multiple historical "Unspecified Pits" and an "Old Gravel Pit" active from 1895 through to 1950, alongside numerous historical tanks, garages, and industrial land uses within immediate proximity. Under national planning policy (specifically NPPF Paragraphs 183 and 184) and Part IIA of the Environmental Protection Act 1990, the applicant bears the absolute burden of proof to demonstrate that the site is safe or can be made safely remediated. Historical aggregate extraction pits of this era were frequently backfilled opportunistically with unmanaged, unrecorded commercial or domestic waste prior to modern environmental controls. Relying on a baseline desk study without exhaustive, invasive soil and gas sampling leaves significant legal exposure regarding hazardous ground gas generation (specifically methane and carbon dioxide migration) and mobile chemical contaminants leaching directly into underlying aquifers, in direct conflict with Bromley Local Plan environmental protection standards.

### **9.2 Hydrogeological Vulnerability and Exacerbation of Off-Site Runoff Pressures**

The technical environmental data explicitly identifies Flood Zone 2 and Flood Zone 3 within 50m of the site boundary, alongside a Medium Risk of flooding from rivers and the sea. Most critically, surface water flooding models indicate acute susceptibility to ponding depths exceeding 1.0m during a 1-in-30-year event within 50m. Furthermore, the site occupies a sensitive hydrogeological setting featuring superficial and bedrock aquifers possessing designated groundwater vulnerability. The introduction of a high-intensity masterplan spanning a massive 58.91-hectare footprint—characterized by extensive impermeable surfaces over underlying moderate shrink-swell clay—violates the core NPPF Sequential and Exception Tests (NPPF Paragraphs 167–169) directing vulnerable developments away from flood-risk areas, as well as London Plan Policies SI 12 (Flood risk management) and SI 13 (Sustainable drainage). This intensive surface sealing will severely aggravate local surface water runoff rates, directly threatening adjacent properties and public infrastructure along local watercourse corridors.

### **9.3 Infringement of Statutory Ecological Protections and Irreplaceable Habitat Encroachment**

The environmental screening and baseline surveys flag designated Ancient Woodland located directly on-site and within 50m/250m boundaries, alongside 6 Priority Habitats

located directly on-site and an additional 9 within 50m. National planning policy (NPPF Paragraph 186) and the Conservation of Habitats and Species Regulations 2017 afford strict, near-absolute protection to Ancient Woodland and irreplaceable habitats. Any major development that introduces physical massing or operational activity risking direct or indirect hydrological, atmospheric, or recreational disruption to these sensitive ecosystems fails to demonstrate the "wholly exceptional reasons" mandated by law. The integration of intensive urban structures within this Green Belt and priority habitat matrix directly conflicts with London Plan Policy G6 (Biodiversity and access to nature), Bromley Local Plan biodiversity policies, and statutory environmental protection bylaws.

#### **9.4 Geotechnical Instability, Subsidence Pressures, and Subterranean Disruption**

The geotechnical evaluation highlights moderate shrink-swell clay risks within 50m, compounded by 13 distinct on-site surface ground workings and historical extraction pits. Constructing high-density residential infrastructure and multi-storey buildings on moderate shrink-swell clay combined with disturbed, uncompacted historical pit backfill creates severe structural viability and differential settlement risks under Building Regulations Part A. The heavy engineering interventions required to stabilize such compromised ground risk causing irreversible subterranean disruption, structural subsidence pressures on neighboring curtilages, and permanently altered natural hydrological pathways across the local catchment, breaching NPPF ground stability mandates.

### **Section 10: Daylight, Sunlight, and Residential Amenity Devaluation**

#### **10.1 Local Planning Policy Violations and Macro-Level Screening Vulnerabilities**

The applicant's reliance on generalized macro-level tests; specifically the 25-degree rule and high-level Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) façade checks—fails to satisfy the strict requirements of Bromley Local Plan Policy 3 and Policy 37.

Policy 3 stipulates that residential development on backland or garden land is only acceptable where there is no unacceptable impact on the residential amenity of existing occupiers regarding loss of daylight and sunlight. Furthermore, Policy 37 mandates that new developments must protect neighbouring buildings and future occupants from inadequate natural light or overbearing impacts.

The main body of the applicant's non-technical report omits full, transparent window-by-window technical data tables for the 190 surrounding properties evaluated. In a suburban, low-density context characterized by two-storey semi-detached housing with pitched roofs, the introduction of a high-density masterplan delivering up to 2,200 homes introduces significant overbearing potential. The chosen rapid screening

methodology masks localized micro-obstructions to existing windows, constituting a direct breach of the protection mandates set out in Policies 3 and 37.

### **10.2 Internal Sampling Deficits and Regional Policy Non-Compliance**

The internal daylight assessment submitted by the applicant exhibits a profound methodological deficit that violates The London Plan (2021) Policies D3, D6, and D9. Policy D3 (Design-led approach) and Policy D6 (Housing Quality and Standards) require developments to provide sufficient daylight and sunlight appropriate to their context while actively avoiding overheating and minimizing overshadowing. Policy D9 (Tall Buildings) further dictates that the environmental impacts of taller structural masses on daylight and sunlight penetration must be rigorously quantified.

The applicant's internal daylight assessment relies on a constrained 10% sample (364 rooms total) for the detailed phase of the application. This limited data is then extrapolated across the remaining apartment blocks and specific affordable housing types (HT3BH1 and HT2BH). Leaving 90% of the proposed residential units untested at this hybrid stage represents a severe evidentiary gap.

Furthermore, the report explicitly identifies a structural tension between increasing glazing areas to meet daylight targets and reducing glazing to mitigate solar gain under building regulations. The applicant has failed to provide empirical proof that its stated 100% internal compliance rate successfully reconciles thermal comfort with natural light without inducing severe overheating or relying on energy-intensive mechanical cooling, in direct conflict with Policy D6.

### **10.3 Misapplication of National Framework Flexibility Provisions**

The applicant's reliance on Appendix F of the Building Research Establishment (BRE) guidelines and Paragraphs 37–38 of the National Planning Policy Framework (NPPF) to justify deviations from standard values is legally and procedurally flawed.

While the NPPF allows local planning authorities to apply a flexible approach to daylight and sunlight standards to optimize site capacity, this flexibility is strictly conditional upon the delivery of acceptable living standards and contextually appropriate development.

Invoking these flexibility clauses to justify the massing of up to 2,200 homes across a 23.5-hectare footprint is disproportionate. The scale of the proposed structural intervention exceeds the environmental and spatial capacity of the suburban fringe of Bromley Common. The flexibility provisions of the NPPF cannot be utilized as a mechanism to override established residential amenity, rendering the applicant's reliance on these paragraphs factually unsupported by the low-density context of the surrounding area.

### **10.4 Environmental Statement Scoping Omissions and Cumulative Impact Siloing**

A material procedural vulnerability exists regarding the environmental tracking of this issue. Matters relating to daylight, sunlight, and overshadowing were formally scoped out of the formal Environmental Statement (ES) under Scoping Opinion reference 25/05379/OTH.

Consequently, these impacts have been assessed entirely outside the statutory Environmental Impact Assessment (EIA) framework via a standalone consultant report (C3, Report 26-0006).

By segregating the daylight and overshadowing analysis from the primary ES, the cumulative environmental impacts—particularly when combined with the emerging development pipeline across the London Borough of Bromley—have been artificially siloed. Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, this constitutes a failure to properly aggregate and evaluate cumulative environmental effects, leaving the potential long-term overshadowing impacts on adjacent properties, public rights of way, and open spaces under-reported.