

CAMPAIGN TO PROTECT HAWKHURST VILLAGE
OBJECTION TO HYBRID APPLICATION BY CEDARDRIVE LIMITED
TWBC REFERENCE 19/02025/HYBRID

1. INTRODUCTION

- 1.1. This is an objection by the Campaign to Protect Hawkhurst Village to the hybrid application by Cedar Drive Limited for the redevelopment of Hawkhurst Golf Club (reference 19/02025/HYBRID) (“the Application”).
- 1.2. The Campaign to Protect Hawkhurst Village is an unincorporated group of over 50 residents of Hawkhurst who are deeply concerned by the impact of the proposed development on the village.
- 1.3. For the reasons set out below, the Application will have a profound and permanent detrimental impact upon Hawkhurst and the High Weald Area of Outstanding Natural Beauty more generally.
- 1.4. **The Application represents the antithesis of “sustainable development”. It is directly contrary to the most relevant policies within the National Planning Policy Framework (“NPPF”) and, on any analysis, will give rise to adverse impacts which will significantly and demonstrably outweigh its notional benefits when assessed against the NPPF as a whole.**

2. CONTEXT TO APPLICATION

- 2.1. In order to assess whether the Application will contribute to the achievement of sustainable development in accordance with the requirements of the NPPF, it is necessary to properly understand the underlying context in which the development is proposed.
- 2.2. First, and most importantly, Hawkhurst is entirely within the High Weald Area of Outstanding Natural Beauty. It is formed of a number of distinct settlements, Gills Green, Sawyers Green, Highgate, Four Throws and The Moor.
- 2.3. Secondly, as at 2017 there were 2139 households registered on the Hawkhurst Parish electoral role. The 2011 Census recorded the population of Hawkhurst at 4911. **By itself the Application, if approved, would increase the size of the village by 20%.**
- 2.4. Thirdly, the 2010 TWBC Core Strategy (covering the period 2006-2026) required 240 net dwellings to be delivered within the Parish by 2026. In turn the Site Allocations Local Plan adopted in July 2016 identified a residual requirement as at that date of a further 94 dwellings. This was a level of growth found to be sustainable only three years ago.
- 2.5. Since the Site Allocations Local Plan was adopted in July 2016, significant development has already been authorised within the Village including:
 - Birchfield – 26 units
 - Woodham Hall – 16 units
 - Brook House – 25 units
 - Heartenoak Road – 28 units
 - Land north of Santer House – 9 units
 - Highgate Hall – 8 units
 - Numerous other smaller windfall sites – at least a further 22 units
- 2.6. Planning permission for in excess of a further 134 dwellings has already been approved since July 2016 – as against the residual target set out in the Site Allocations Local Plan of 94 units.

Hawkhurst has therefore already exceeded the 2010 Core Strategy allocation (to 2026) by over 16%. In contrast to many other settlements within the Borough

- 2.7. Fourthly, the 2017 TWBC Settlement Role and Function Study records that Hawkhurst suffers from “**chronic transport congestion at the village centre, causing noise, air pollution and poor experience at Highgate in general**”
- 2.8. During the course of the adoption of the Site Allocations Local Plan, the Highgate Hill scheme was approved on appeal. At that point the Local Plan Inspector asked for Kent County Council’s comments (as Highways Authority) on the impact of that decision on the Hawkhurst crossroads’ capacity to absorb further development. By way of letter dated 24 November 2015 KCC stated:
- “We will consider 287 units within the operational capacity of the junction **but any further development in the town will require significant improvements to the junction in order to mitigate any additional trips**” (emphasis added)
- 2.9. In 2017 KCC issued a short lived “Position Statement” regarding future development in Hawkhurst. It stated that journey times through the junction in the peak hours could take 23 times longer than the minimum recorded time. KCC concluded that in NPPF terms the junction was currently running “severely” over capacity. The position statement concluded:
- “Additional traffic from new development would have a severe adverse impact on the highway network, in terms of congestion and inconvenience to local residents and other road users, on the strategic transport planning of the area generally, and this would be contrary to the aims of paragraph 32 of the NPPF which states that where the residual cumulative impacts are identified as severe, development should be refused”**
- 2.10. Whilst the Position Statement was subsequently withdrawn (for reasons that remain unclear), KCC’s conclusion that the crossroads are currently severely over capacity remains unchallenged and highly relevant to the determination of the Application – the traffic impacts of the Application are addressed in more detail below.
- 2.11. Fifthly, Hawkhurst has no self-sufficient employment provision. It is a dormitory commuter village for London, Tunbridge Wells, Maidstone and other larger settlements with greater employment provision. It has:
- No train station
 - No secondary school
 - No NHS dentist
 - Its two GP surgeries are over capacity with an average patient list of 2,143 patients per GP as against the General Medical Council standard of 1800 patients per GP
 - Its primary school has a capacity of 210 children and there are currently 196 children on the roll. The development will give rise by itself to a need for a further 117 primary school places
- 2.12. If approved the Application will add over a further 1000 residents to the village, who will be entirely reliant on the use of private car to access key every day employment, education, medical and retail services.
- 2.13. This dependence on the use of private cars is proposed to be introduced into a village where the highways authority has, on several occasions, made clear that the local highway network is already “severely” over capacity.
- 2.14. The NPPF is clear that “**Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes**” (Paragraph 103).
- 2.15. It is against this background that an application for a 20% increase in the size of the village falls to be considered.

- 2.16. The proposals are in direct conflict with the aim of achieving sustainable development as set out in the NPPF. Hawkhurst is simply not a sustainable location and not capable of being made sustainable without the provision of significant additional infrastructure, of a scale not currently contemplated.
- 2.17. It is the wrong development in the wrong place at a wholly inappropriate scale.

3. AONB AND LANDSCAPE IMPACTS

- 3.1. The starting point for any analysis of the Application is that it proposes the redevelopment of a 20-hectare greenfield site within the High Weald Area of Outstanding Beauty.
- 3.2. Furthermore, as contemplated by the recently published draft Local Plan, if approved, it will inevitably lead to the loss of further major greenfield sites at Fowlers Park and Copthall Avenue.
- 3.3. In determining the Application, the Council has a statutory duty to conserve and enhance the natural beauty of the AONB.
- 3.4. The applicant has accepted that the proposals represent “Major Development” for the purpose of paragraph 172 of the NPPF. This is in contrast to all previous applications in Hawkhurst. The planning policy framework is fundamentally different in respect of “Major Developments” within the AONB. This is the first planning application within Hawkhurst to be subject to this test.
- 3.5. Paragraph 172 of the NPPF provides that:
- “Great weight should be given to conserving and enhancing landscape and scenic beauty in.....Areas of Outstanding Natural Beauty, which have **the highest status of protection in relation to these issues**” (emphasis added)
 - “The scale and extent of development within these designated areas should be limited”
 - **“Planning Permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest”** (emphasis added)
- 3.6. This policy relating to Areas of Outstanding Natural Beauty has been explicitly included within the application of paragraph 11 d) i) of the NPPF. As such the policies in paragraph 172 are capable of providing a basis for refusing the Application notwithstanding the presumption in favour of sustainable development (if applicable) – addressed in more detail below.
- 3.7. Locally, Saved Policy EN25 of the 2006 Local Plan provides that development outside the Limits of Built Development must have minimal impact on the landscape character of the area and no detrimental impact on the landscape settings of settlements.
- 3.8. In turn, Core Strategy Policy CP4 sets out that the Council will conserve and enhance the AONB.
- 3.9. Against this policy context it is necessary to consider:
- a. Are there exceptional circumstances to justify the major development in the AONB?
 - b. Will the Application conserve and enhance the AONB?
 - c. Will the Application have a minimal impact on the landscape character of the area?
 - d. Will the Application have a detrimental impact on the setting of the individual component settlements within Hawkhurst?
- 3.10. For the reasons set out in this Objection below, there are no exceptional circumstances to justify major development of this scale in this location.

3.11. The Application if approved will demonstrably fail to conserve and enhance the AONB, will have a significant detrimental impact on the landscape character of the area and the settings of the component 'sub-settlements' within Hawkhurst.

3.12. As part of the evidence base for the new Local Plan the Council commissioned a Landscape Sensitivity Study by LUC ("the LUC Study") and has subsequently issued a draft Sustainability Appraisal.

3.13. The Application site falls within areas 'Bed1' and 'Ha1' as assessed within the LUC Study. In respect of area Bed1 the LUC Study assesses that:

- The landscape pattern is typical of the AONB and sensitive;
- The A229 Cranbrook Road is distinctive in being mostly undeveloped along its western side;
- The area provides a rural setting separating the settlements of Hawkhurst and Gill's Green. The undeveloped western edge of Cranbrook Road helps reinforce this gap and sense of rural approach to Hawkhurst;
- The undeveloped wooded edge along Cranbrook Road approach to Hawkhurst is a valued feature reinforcing the separation of Gill's Green and Hawkhurst;
- An intact rural character, the special qualities of the AONB are well represented in the area;
- The overall sensitivity is identified as high in recognition of the intact historic pattern, extensive ancient woodland and incised topography;
- Generally, it is unlikely that development could be accommodated in these areas without impinging on the valued qualities and sensitive features of this area or reducing the sense of separation from Hawkhurst, and this is particularly the case for the area south of Gill's Green; and
- The overall conclusion is that the sensitivity to development for this area is "High"

3.14. In respect of area HA1 the LUC Study reports that:

- The physical character is characteristic of the High Weald AONB and therefore of high sensitivity;
- The settlement form and setting are sensitive;
- To the north of Hawkhurst the area (golf course) forms an open rural gap along the west side of the A229 providing separation from the development around Gills Green;
- The landscape has a strong rural character, despite piecemeal development along the A268, and forms a largely rural approach to Hawkhurst;
- The area has a role as the rural setting to two Conservation Areas;
- The key sensitivities of the area relate to its physical characteristics which are typical of the character area and the AONB involving ridge top settlement;
- It forms a rural approach and gateway to Hawkhurst;
- It provides an open rural landscape to the west of the A229 on the northern approach to Hawkhurst; and
- The overall conclusion is that the sensitivity to development is "High"

3.15. In respect of its guidance on further development within area HA1 and mitigation the Study concludes that:

"the area is a narrow ridgetop forming a rural approach to Hawkhurst from the west, with a rapid transition dripping north of the ridge top to the ghyll valley at Slip Mill – a rural landscape expressing all the distinctive qualities of the AONB. Whilst there may be some potential for small development or re-development of sites along the ridge or the immediate northwest settlement edge of Hawkhurst, this would need to be of a very small scale and sensitive to the character of the landscape and role as the rural approach to Hawkhurst along the A268 and A229, and separation from outlying settlement clusters." (emphasis added)

- 3.16. The Council's own consultants have concluded that the sensitivity of the Application site to major development is high. In turn their clear advice is that any development would need to be of a "very small scale" – in direct contrast to the scale of development proposed by the Application.
- 3.17. The recently published Sustainability Appraisal has considered both the Application site and the cumulative impact of the proposed allocations on Hawkhurst as a whole.
- 3.18. In respect of the Application site, the Sustainability Appraisal concludes that the allocation will have a 'negative' impact on land use and a 'negative' to 'very negative' impact on the landscape. The associated commentary advises that:
- "the large size of the site....is out of keeping with the existing rural settlement and thus will have adverse impacts on heritage assets and the character of the AONB. Adverse land use, carbon and water scores also reflect the pressures created by a large site in this location"***
- 3.19. Cumulatively the Sustainability Appraisal comments that:
- "Collectively, the proposed allocations in this parish represent a significant amount of development in a highly sensitive landscape and a large loss of greenfield land. The allocations also create increased pressures on the climate change and water resources related objectives"***
- 3.20. The High Weald AONB Management Plan 2019-2024 is a material consideration in the determination of the Application and should be given great weight. It explains that the High Weald is one of the best preserved Medieval landscapes in North West Europe and emphasises that one of the key characteristics of the AONB is the absence of large scale settlement extensions since the designation in 1983.
- 3.21. The Plan identifies that one of the top five issues facing the AONB is the increase in greenfield development pressure for housing, threatening the character of the AONB as well as the erosion of AONB character through suburbanisation.
- 3.22. Objective S2 within the Management Plan sets out the aim to protect the historic pattern and character of settlement. The rationale for this objective is
- "to protect the distinctive character of towns, villages, hamlets and farmsteads and to maintain the hinterlands and other relationships (including separation) between such settlements that contribute to local identity"***
- 3.23. It goes on to explain that the indicators of success against this objective will be:
- "i. Physical and perceived separation between settlements maintained;
ii. Greater proportion of new homes delivered through re-development or small developments"***
- 3.24. The Plan specifically urges public bodies to protect the relationship between historic settlements and its associated green spaces and routeways and to prioritise the delivery of new housing primarily through small-scale development. It is instructive that the Campaign to Protect Rural England has strongly objected to the Application.
- 3.25. In turn the applicant's own assessment (within the Environmental Statement) concludes that at Year 1 on completion, the Development will have an adverse impact upon:
- The landscape character of the site itself (ES para 12.7.10);
 - The boundary vegetation and woodland (ES para 12.7.2);
 - The overall Landform (ES para 12.7.13);
 - Trees within the Site (ES para 12.7.14);
 - Watercourses ((ES para 12.7.15);

- The AONB as a whole (ES para 12.7.16);
 - The Borough level Hawkhurst Wooded Farmland (ES para 12.7.19);
 - The Bedgebury Forested Plateau (ES para 12.7.20); and
 - Localised areas Bed1 and Ha1 (ES paras 12.7.21 and 12.7.22)
- 3.26. The majority of these adverse impacts will remain even after mitigation in Year 15 including the site itself, Landform, watercourses, the AONB, Hawkhurst Wooded Farmland, and localised areas Bed1 and Ha1.
- 3.27. The Environmental Statement also identifies permanent adverse visual impacts to residents on Cranbrook Road, Slip Mill, Gill's Green, and the High Street.
- 3.28. The Environmental Statement assesses the impact on residents in Oakfield as 'negligible'. However, this assessment does not stand up to scrutiny. This assessment is based on the impact from viewpoint SCP 14 which has been taken from an entirely misleading location. Amongst other matters it appears to show a carriageway approximately 1m in width. This view is taken from the 'bend' halfway down Oakfield. Further down Oakfield the view of the Application site is completely different. At this point there is a clear view of the undeveloped golf course experienced by all the properties in the western end of Oakfield.
- 3.29. Whilst no physical development is proposed immediately adjoining the Oakfield properties, given the difference in levels the view will change from rural greenfield to a major housing development along the ridgeline. On no reasonable basis could this visual impact be classed as "negligible". Attached as Appendix A are a bundle of photographs taken from Oakfield properties.
- 3.30. By way of illustration of the sensitivity of the landscape in this area, in 2016 an Inspector refused an application for a single dwelling on the vacant field adjoining Chittenden House (approximately 200m to the west of the Golf Course entrance on the High Street) notwithstanding that the Council was unable to demonstrate a 5 year housing land supply at that time – appeal reference APP/M2270/W/15/3141313.
- 3.31. In that case the Inspector concluded that the site had a strong rural verdant character. The Inspector considered that the erection of single dwelling in this location would result in a significant change to the appearance of the area and the consequent loss of its rural character – in conflict with the Council's Landscape Character Assessment. The Inspector considered that the appeal scheme would result in the suburbanisation of the important transitional part of the existing countryside which would not protect the historic settlement pattern of the village. The Inspector's findings are highly relevant to the impact of the Application.
- 3.32. Even on the applicant's own analysis the Application will have a permanent harmful impact on the AONB and the wider AONB objectives. It will:
- permanently erode the rural gap between Highgate and Gills Green and Iddenden Green identified as of high importance by the LUC Study;
 - compromise the essential settlement character of Hawkhurst by introducing major development away from the ridgeline;
 - significantly harm the rural approach into Hawkhurst along the A268 (particularly given the proposed highly prominent 3 storey building at the southern entrance to the site);
 - harm the settings of two Conservation Areas;
 - be in direct conflict with the guidance in the LUC study that any development will need to be of a very small scale; and
 - be contrary to the High Weald AONB Management Plan objectives to avoid suburbanisation and to protect separation between settlements.
- 3.33. As such it will fail to conserve and enhance the AONB in direct conflict with national and local policy requirements. These policy breaches are of paramount importance to any assessment of the Application.

4. TRAFFIC IMPACTS

- 4.1. In an effort to try to demonstrate “exceptional circumstances”, the applicant has put forward a number of alleged public benefits. The key public benefit put forward by the applicant to justify the loss of 20 hectares of AONB is the proposed ‘relief’ road.
- 4.2. As set out above, the Highways Authority has already acknowledged that current congestion at the village crossroads is “severe” for the purpose of the NPPF.
- 4.3. The applicant likewise acknowledges that the junction is currently operating significantly above capacity (TA – para 7.2.6) and that the development will give rise to considerable additional traffic.
- 4.4. Against this background, in order to attribute any weight to the ‘relief’ road in the determination of the Application as a public benefit, it is necessary to critically examine whether it will actually provide any material ‘relief’.
- 4.5. This involves consideration of:
 - a. Whether the relief road will actually reduce traffic movements through the village crossroads
 - b. Whether the relief road and closure of Cranbrook Road will actually reduce congestion and queuing at the village crossroads
 - c. Whether the relief road reduce the number of HGVs travelling through the village crossroads
 - d. The impact of the relief road and traffic generated by the development on minor roads and rural lanes – specifically North Hill Road and Delmonden Lane
 - e. The impact of the relief road and traffic generated by the development on the A21 junction at Flimwell and the Strategic Road Network

Will the relief road actually reduce traffic movements through the village crossroads?

- 4.6. Nowhere in either the Transport Assessment or Environmental Statement Transport Chapter does the applicant clearly set out the impact of traffic arising from the development against the baseline position today. The reason for this is because the results would be obvious and not in their favour.
- 4.7. Instead the applicant focuses on a comparison between a predicted future position both with and without the relief road and Golf Course development.
- 4.8. The applicant has undertaken various surveys at 8 locations to assess the number of car movements currently entering and leaving the village.
- 4.9. This assesses that on the four closest links to the crossroads (links B, C, D and E), the number of daily traffic movements travelling towards the crossroads is currently as follows (see Table 4-3 ES):

| Link | AADT 2019 |
|--|----------------------|
| High Street travelling east (B) | 3531 |
| Highgate Hill travelling North (C) | 4459 |
| Rye Road travelling west (D) | 4091 |
| Cranbrook Road travelling South (E) | 4112 |
| Aggregate total daily traffic movements through the village crossroads | <u>16,193</u> |

- 4.10. In comparison the applicant predicts the daily traffic movements over these links in 2033 assuming the relief road proceeds and the golf course is developed as follows:

| | |
|---|--|
| Link | AADT 2033 with Golf Course and Relief Road (and closure of Cranbrook Road) |
| High Street travelling east (B) | 8344 |
| Highgate Hill travelling north (C) | 5230 |
| Rye Road travelling west (D) | 4987 |
| Predicted aggregate AADT through crossroads | <u>18,561</u> |

- 4.11. As set out below this assessment has been made based on a number of assumptions which are unrealistic. It is highly likely that the golf course development will lead to far greater vehicle movements through the village crossroads than predicted.
- 4.12. In particular, the applicant has assumed that a large volume of traffic travelling south from the Cranbrook Road will travel down the relief road and then turn west along the High Street to Flimwell. This is unrealistic as the proposed diversion will increase journey length and times (see paragraph 4.38) and it is highly likely that a greater percentage of traffic will continue to turn east towards the crossroads and south along Highgate Hill to avoid the Flimwell crossroads.
- 4.13. However, on the applicant's own assumptions, it is clear that there will be an increase in total vehicle movements through the crossroads of 2368 AADT by 2033 – **or a 15% increase even with the relief road.**
- 4.14. It is then necessary to examine the impact on the individual limbs within the village crossroads. Table 4-10 in the Environmental Statement sets out a comparison between the year 2033 both with and without the Golf Course development. It is also necessary to compare the 2033 (with the Golf Course development) scenario with the current baseline position – which the applicant does not do.

| Link | Comparison between Golf Course and no Golf Course development in 2033 | Comparison between 2019 baseline and 2033 position with Golf Course |
|--|---|---|
| High Street (Link B) | 96% increase (additional 4096 movements) | 136% increase |
| Highgate Hill | Negligible 1% decrease | 17% increase |
| Rye Road | 4% increase | 22% increase |
| High Street (Link A – west of proposed roundabout) | 18% increase | 43% increase |
| Cranbrook Road (north of proposed relief road) | 7% increase | 27% increase |

- 4.15. It is accepted that the relief road will lead to a 100% reduction on the Cranbrook Road at Link E. However, it is crucial to understand that this reduction is more than offset by the consequential increase in traffic on the other limbs through the village.
- 4.16. The impact along the High Street east of the proposed roundabout is dramatic – the effect of the relief road (and closure of Cranbrook Road arm) will cause an effective **doubling** of the existing traffic movements (which are already acknowledged to be severe) along this link. The relief road will, in turn, cause an increase in traffic along the Rye Road and have a negligible impact upon Highgate Hill.
- 4.17. The relief road will also have a materially detrimental impact on the Cranbrook Road north of the new relief road junction towards Gills Green (**resulting in a 7% increase**) and on the High Street west of the proposed roundabout towards Flimwell (**resulting in an 18% increase**).
- 4.18. In all scenarios by 2033 there will be a considerable increase in traffic through the crossroads on all three remaining limbs in comparison with the current situation – which, to repeat, is acknowledged to already be severe and over capacity.

- 4.19. In reality, on no reasonable analysis can it be argued that the road will provide any relief to the crossroads and village when considered as a whole.
- 4.20. In turn it is clear that given the current prevailing conditions, the proposed residual cumulative impact upon the High Street and the crossroads as a whole will be “severe” for the purpose of paragraph 109 of the NPPF.

Will the relief road result in a reduction in congestion and queuing at the village crossroads?

- 4.21. The applicant has assessed the existing junction conditions in respect of the Degree of Saturation (“DOS”), the Mean Maximum Queue (“MMQ”) and the Practical Reserve Capacity (“PRC”) in both the AM and PM peak hours.
- 4.22. It goes on to assess the DOS, MMQ and PRC for the 2033 with the Golf Course development in place.
- 4.23. Again, the applicant has not directly set out the impact of the proposed development as against the current baseline position. The applicant has assessed both a 5 second intergreen and a 12 second intergreen scenario for the traffic lights at the Crossroads. Given the prevailing pedestrian approach at the crossroads a 5 second period is wholly inappropriate and the 12 second scenario is realistic rather than a ‘worst case’ scenario.
- 4.24. The applicant explains that PRC is a measure to assess how much additional traffic could pass through the junction before it reaches full capacity. In respect of the PRC the applicant has assessed the position as follows (assuming a 12 second intergreen):

| Period | AM Peak | PM Peak |
|---------------|---------|---------|
| 2019 Baseline | -20.2% | -20.1% |
| 2033 with GC | -21.3% | -25.9% |

- 4.25. This clearly illustrates that both in the present day and the 2033 scenario the junction is effectively **20% over capacity**. In turn it confirms that notwithstanding the provision of the relief road the future scenario will actually be worse than the current position – in the PM Peak by over 5%.
- 4.26. The applicant explains that DOS is a ratio of demand to capacity for each traffic phase, with a value of 90% indicating that an arm is operating at practical capacity.
- 4.27. The applicant assesses the position as follows (again assuming a 12 second intergreen)

| | 2018 AM Peak | 2033 AM Peak | 2018 PM Peak | 2033 PM Peak |
|---------------|--------------|--------------|--------------|--------------|
| High Street | 95% | 104.5% | 105.7% | 113.3% |
| Highgate Hill | 108.2% | 109.1% | 107.5% | 112.7% |
| Rye Road | 107.5% | 52.6% | 106.7% | 48.8% |

- 4.28. **This demonstrates that even with the delivery of the relief road congestion along the High Street and Highgate Hill will be materially worse than the situation today.**
- 4.29. In respect of the Mean Median Queue (i.e. the average number of vehicles in the queue at peak periods (based on Passenger Car Units)) the position is assessed as follows:

| | 2018 AM Peak | 2033 AM Peak | 2018 PM Peak | 2033 PM Peak |
|---------------|--------------|--------------|--------------|--------------|
| High Street | 16 | 47 | 28 | 85 |
| Highgate Hill | 42 | 49 | 37 | 50 |
| Rye Road | 29 | 10 | 28 | 10 |

- 4.30. This demonstrates that even with the delivery of the relief road, by 2033 the average daily queue will increase along the High Street and Highgate Hill. **In the case of the High Street the daily pm peak queue length will more than triple to 85 cars.**
- 4.31. The Transport Assessment also makes clear that the queue lengths along the High Street will be worse in the 2033 situation in the event the relief road is provided in comparison to a scenario where there is no relief road or development on the Golf Course. No explanation is given for the predicted reduction in queue lengths on Rye Road which is inconceivable given the additional development proposed to the east of the Village and in Sandhurst.
- 4.32. **Assuming an average PCU length of 5.75m, the daily pm peak queue along the High Street will increase from 161m to 500m.**
- 4.33. The reality is that the removal of traffic from the Cranbrook Road limb of the junctions will simply be displaced along the High Street. When the impact on the crossroads as a whole is considered, any 'benefit' to Cranbrook Road is more than offset by the exponential increase in traffic and congestion along the High Street in particular.
- 4.34. A tripling of queue lengths along the High Street represents a 'severe' residual cumulative impact for the purpose of paragraph 109 of the NPPF.

Will the relief road reduce the number of HGVs travelling through the village crossroads?

- 4.35. Paragraph 5.4.1 of the Transport Assessment makes clear that it has been assumed that the HGVs currently routing north to south via the village crossroads will re-route via the relief road and Flimwell.
- 4.36. This is an unrealistic assumption given the following factors.
- 4.37. First, it ignores that notwithstanding any signage there is no legal mechanism by which HGV's can be prevented from turning east at the new roundabout.
- 4.38. Secondly it ignores the increased distance travelling via Flimwell than via the village and the A229. By way of comparison the distance from the proposed roundabout to the junction of the A21 and A229 via Flimwell is 5.16miles. In contrast the distance to the same point via the crossroads and A229 is only 3.28miles. To travel via Flimwell will add almost 2 miles to the journey. In turn it ignores the extremely tight left turn which HGV's will be required to undertake upon reaching Flimwell even with the junction changes in place.
- 4.39. Thirdly, it ignores the predicted significant increase in delays and queueing at Flimwell on the A268 – as set out below.
- 4.40. Fourthly, it ignores current traffic patterns and use of the Hastings Road (B2244) to travel South.
- 4.41. In March this year residents undertook a survey of the direction of traffic at the Moor Hill junction This survey identified that at present traffic travelling south from the village crossroads splits as follows:

| | Hastings Road (B2244) | Horns Road (A229) |
|--------------|-----------------------|-------------------|
| AM Peak Hour | 54% | 46% |
| PM Peak Hour | 63% | 37% |

- 4.42. In respect of HGVs, the survey indicated that on average approximately 40% of HGVs travelling south from the Hawkhurst crossroads continued down Hastings Road rather than Horns Road.

- 4.43. This is a common route as motorists join the A21 at Sedlescombe Street to avoid the delays on the A21 at Flimwell, Hurst Green, Robertsbridge and St John's Cross.
- 4.44. On this basis it is wholly unrealistic to assume that the effect of the relief road will be to materially reduce the number of HGV's travelling south through the village crossroads.

The impact of the relief road and traffic generated by the development on minor roads and rural lanes – specifically North Hill Road and Delmond Lane

- 4.45. The applicant has specifically considered the potential for rural routeing along Queen's Road, Heartenoak Road and White's Lane. However, no consideration has been given to the potential impact upon North Hill Road and Delmond Lane.
- 4.46. The applicant explains that traffic travelling south will be encouraged to turn west at the new roundabout and join the A21 at Flimwell. In turn (as set out below) the Flimwell junction is predicted to suffer from far greater delays.
- 4.47. The applicant indicates at paragraph 7.7.20 of the Transport Assessment that "**due to the level of capacity exceedance [at Flimwell] on several arms, exponential impacts are likely to have occurred, whereby the LinSig model continues to add vehicles to the modelled queue when in reality drivers would divert or re-time their journeys**". For vehicles travelling south, North Hill Road to the A229 is an obvious alternative route to avoid such delays.
- 4.48. Against this background it is inevitable that vehicles will utilise North Hill Road in an effort to join the A21 via Horns Road but avoiding both the village crossroads and the Flimwell junction.
- 4.49. North Hill Road and Delmond Lane are extremely narrow rural lanes with poor visibility and few passing places. They are wholly incapable of safely accommodating any increase in traffic.
- 4.50. **The impact on these lanes has not been considered by the applicant in the Transport Assessment.**

The impact of the relief road and traffic generated by the development on the A21 junction at Flimwell and the Strategic Road Network

- 4.51. The applicant has assessed the current traffic position at Flimwell as well as the predicted position in 2033 assuming there is no golf course development and also assuming the golf course development does proceed. In turn the applicant has assessed a further scenario where a proposed scheme of mitigation works to Flimwell junction have been undertaken.
- 4.52. The following data has been extracted from the Applicant's Transport Assessment Tables 7-4 and 7-5:

| | AM Peak | | | | PM Peak | | | |
|---------|----------|----------------|------------------|-------------------------------------|----------|----------------|------------------|-------------------------------------|
| | DoS 2018 | DoS 2033 No GC | DoS 2033 with GC | DoS 2033 GC and Flimwell Mitigation | DoS 2018 | DoS 2033 No GC | DoS 2033 with GC | DoS 2033 GC and Flimwell Mitigation |
| B2087 | 98% | 121.2% | 131.3% | 113.8% | 88.9% | 112.4% | 120.4% | 116.9% |
| A21 (N) | 73.5% | 93.1% | 99.6% | 113.1% | 90.6% | 112.4% | 119.8% | 118.2% |
| A21(S) | 99.2% | 123% | 132% | 72.8% | 62.4% | 74.7% | 79.8% | 69.3% |
| A268 | 99.1% | 123.2% | 132% | 112.4% | 89.7% | 110.9% | 118.4% | 115.8% |
| | | | | | | | | |

| | MMQ 2018 | MMQ 2033 No GC | MMQ 2033 with GC | MMQ 2033 GC and Flimwell Mitigation | MMQ 2018 | MMQ 2033 No GC | MMQ 2033 with GC | MMQ 2033 GC and Flimwell Mitigation |
|-----------------------|----------|----------------|------------------|-------------------------------------|----------|----------------|------------------|-------------------------------------|
| B2087 | 21 | 53 | 64 | 44 | 19 | 47 | 60 | 55 |
| A21 (N) | 27 | 46 | 59 | 124 | 44 | 139 | 182 | 174 |
| A21 (S) | 62 | 174 | 210 | 29 | 23 | 31 | 34 | 17 |
| A268 | 29 | 85 | 123 | 76 | 18 | 44 | 63 | 56 |
| | | | | | | | | |
| | 2018 | 2033 No GC | 2033 with GC | 2033 GC and Flimwell Mitigation | 2018 | 2033 No GC | 2033 with GC | 2033 GC and Flimwell Mitigation |
| PRC | -10.2% | -36.9% | -46.7% | -26.5% | -0.6% | -24.9% | -33.8% | -31.4% |
| | | | | | | | | |
| Average Delay (s/pcu) | 102.9 | 343 | 441 | 227.4 | 73.3 | 239.3 | 324.3 | 295.0 |

4.53. There are a number of comments to be made in respect of this data.

4.54. First, the baseline data does not in any way reflect current day to day experience of the Flimwell junction. In particular, it does not reflect queue lengths travelling south on the A21 to Flimwell during the PM Peak period. As a daily occurrence these queues often trail back as far as the Kildown Road junction (approximately 2.4miles) and frequently as far as the Scotney Castle Roundabout (3.56 miles).

4.55. **In order to lawfully determine the Application, the Council needs to have an accurate understanding of the baseline position on the A21. The Applicant should be invited to verify the results of their baseline assessment of the Flimwell junction. As presented to date the applicant has failed to reflect the actual delays and congestion at the junction.**

4.56. Secondly, it is instructive that the applicant has not prepared a scenario demonstrating the predicted position in the event the Flimwell mitigation works are carried out and there is no Golf Course Development in the “Do Nothing” scenario. This would make clear the direct comparative impact of the Golf Course development and relief road.

4.57. Thirdly, the applicant notes that Highways England is currently preparing its own scheme of works to Flimwell. There is no guarantee that the applicant’s proposed scheme will be delivered or over what timescale. Given the importance placed on the works by the applicant and the uncertainty over the scheme, this is not an issue that is capable of being lawfully dealt with by a Grampian planning condition or other planning obligation.

4.58. Fourthly, in all scenarios there is a dramatic reduction in capacity and increase in queuing and congestion by 2033 in comparison to the existing position. Even if the proposed mitigation works are undertaken:

- the PRC of the junction will be reduced to -26% (am) and -34% (pm) as against the baseline position;
- The DoS on 3 of the four limbs will be increased to significantly over the 90% capacity threshold;
- The queue lengths will significantly increase, on the A21 (N) they will more than quadruple in the am and pm peak scenarios to more than 174 cars (representing a queue length of over a kilometre), likewise on the A268 the queues will more than double; and

- The average delay across the junction is predicted to double in the morning peak period and more than quadruple in the afternoon peak period.
- 4.59. Fifthly, the introduction of the Golf Course development and relief road is a major contributor to the worsening situation at the junction. The applicant's own data demonstrates that in comparison to the predicted "no golf course" scenario, even if the Flimwell mitigation works are carried out:
- The DoS on the A21 (N) will be 20% worse in the am peak period and 6% worse in the pm peak period than if the Golf Course is not developed
 - The DoS on the A268 and B2087 will be 5% worse in the pm peak period than if the Golf Course is not developed
 - The MMQ on the A268 and the B2087 will be materially longer in the pm peak period than if the Golf Course is not developed
 - The MMQ on the A21 (N) is predicted to increase by 78 PCU's in the am peak period and 35 cars in the pm peak period in the event the Golf Course is developed even if the Flimwell mitigation works are undertaken
 - The average PRC across the junction in the pm peak period will be 6.5% worse than if the Golf Course is not developed even if the Flimwell mitigation works are undertaken
 - **Critically in respect of the PM peak period the average delay across the junction is predicted to be almost a minute longer if the Golf Course is developed even if the Flimwell mitigation works are undertaken in comparison to the scenario where the Golf Course is not developed.**
- 4.60. Sixthly, the A21 is part of the Strategic Road Network. It is the major arterial road from London to Hastings and a key component of the infrastructure underpinning both national and local government's economic strategy for the area.
- 4.61. The impact of the Application on the Flimwell junction and the A21 generally is hugely significant and, as set out above, is not capable of being adequately mitigated by the proposed works to the junction. The dramatic increases in queueing, congestion and delays clearly represent a 'severe' cumulative residual impact. For this reason alone, the Application should be refused.
- 4.62. This analysis acutely demonstrates that Hawkhurst is simply not a sustainable location for the level of growth contemplated both by the Application and by the draft Local plan more generally. Due to the inadequacy of public transport options and limited employment provision the village is inherently dependent upon the use of private cars utilising both the village crossroads and Flimwell junction.

Errors and Omissions in the Transport Assessment

- 4.63. The applicant has adopted an inconsistent and incomplete approach to the assessment of cumulative impacts.
- 4.64. First, the list of committed developments set out in paragraph 5.7.1 of the Transport Assessment is different to those listed in paragraph 4.3.20 of the Transport Chapter of the Environmental Statement.
- 4.65. Secondly, the applicant records in the ES that a number of these are "unimplemented". However, this is not correct and a number of them including Land West of Lorenden Park, Lillesden Park, Birchfield, and Woodham Hall are already complete or partially complete. The traffic generated from these developments may already therefore be reflected in the baseline analysis.
- 4.66. Thirdly, in paragraph 4.12.1 of the ES the applicant includes a number of other schemes in the cumulative assessment. The text of the ES explains that this is intended to include "*those [schemes] which are currently the subject of live planning applications and awaiting a decision or those which are allocated in the adopted Local Plan but not currently subject to a live planning application*". However, the list at paragraph 4.12.1 does not include all the live

applications in Hawkhurst, in particular the Leander scheme at Westfield, the White House and the Dandara scheme for land behind Cophthall Avenue (to be the subject of an appeal) should all be included.

- 4.67. Fourthly, the Council has now published its draft new Local Plan for consultation. This contemplates in excess of 700 new homes in Hawkhurst (including the Golf Course site). Whilst at an early stage, any assessment of the potential cumulative impact of the proposals should also address the totality of the proposed new Local Plan allocations.
- 4.68. Fifthly, given Hawkhurst's location, the traffic conditions within the crossroads have the potential to be impacted upon by development in neighbouring districts. The applicant should therefore all consider the potential cumulative impact arising from schemes proposed in Maidstone, Ashford, Wealden and Rother District Councils.
- 4.69. In addition to the points raised above the submitted Transport Assessment and Environmental Statement contains a number of errors and omissions:
- i. The Transport Assessment advises that a Stage 1 Safety Audit is in the process of being prepared, whilst the Planning Statement suggests this has been submitted. At the time of writing it is not on the Council's website. This will need to be considered by the Council to ascertain whether the proposed roundabout on the High Street and junction on Cranbrook Road will give rise to any safety issues.
 - ii. The submitted drawings for the roundabout appear to omit the residential accesses along the south of the High Street. No analysis has been undertaken of the safety of the proposed roundabout in respect of the relationship with these accesses and more generally whether the proposed roundabout and relief road will inhibit reasonable access to these properties (and all existing properties between the roundabout and the village crossroads) given the predicted doubling of traffic movements and daily 500m queue lengths during peak periods.
 - iii. Similarly, no assessment has been undertaken of the safety of the roundabout given the bend and lack of visibility when travelling from the crossroads. The Hawkhurst Speedwatch Group has recorded speeding vehicles along this stretch of road at 70mph.
 - iv. The Transport Assessment includes accident data for the period up to September 2017. More recent data is available up to June 2018 and this should be used.
 - v. As set out above the proposed development will have a dramatic effect on the junction capacity at Flimwell. The applicant acknowledges that this is likely to lead drivers to re-direct. However, no analysis has been undertaken of the impacts of such re-direction. In particular, for traffic commuting north it is heavily likely that drivers will seek alternative routes to Tunbridge Wells and towards Sevenoaks – predominantly via Goudhurst. No analysis has been undertaken on this impact or other alternative rural routes which are already highly used as an alternative to the existing delays on the A21.
 - vi. In turn no analysis has been undertaken of the cumulative impact on the wider strategic highway network – in particular on the A21 between Lamberhurst and the Blueboys roundabout. This stretch of the A21 already suffers from chronic congestion – leading to queuing north along the Lamberhurst bypass and south on the A21 to the Blueboys roundabout. The dramatic increase in traffic movements predicted from Hawkhurst will only exacerbate these problems leading to further pressure on alternative rural routes.
This impact needs to be considered now.
 - vii. The applicant's trip generation is based on modal split data from Temprow including by car and rail. Given the nearest railway station is approximately 5 miles away, commuter journeys by rail are high likely to generate additional car trips so these should be included within the forecast trip generation.
 - viii. The proposed development will deliver a significant increase in the residential population of Hawkhurst but will not provide any material additional employment. Consequently, the proportion of new residents who will need to commute outside the settlement will be higher than the Temprow data would suggest, and should be factored in.
 - ix. The applicant assumes that only 2% of pupils would attend independent schools. Given that the primary school will be oversubscribed this is highly likely to be an underestimate – meaning that there is likely to be an increase in car trips compared with that predicted.

- x. Likewise given the issues suffered by the High Weald Academy pupils are less likely to travel to Cranbrook. Cumulatively this means the Transport Assessment has underestimated the number of vehicle trips for education purposes.
- xi. The existing Hawkhurst crossroads have been modelled in LINSIG. However, the traffic flows used represent only the counted flows across the stop-lines in peak hours. The assessment does not take account of the pre-existing extensive queueing demand. In turn the applicant does not appear to have undertaken any validation against the observed saturation flows.
- xii. Currently pedestrians use the crossing in the majority of signal cycles during peak hours. Given the proposed development will significantly increase pedestrian demand between the site and the amenities on Rye Road, the amount of signal cycle time required for pedestrian movements will increase and so the 12 second intergreen assumption is likely to be realistic rather than an unlikely worst case.
- xiii. The congestion in the Village will impact upon the reliability of bus services, undermining the applicant's assertion that local bus services will be useful to existing and future residents.
- xiv. The alleged major beneficiaries of the proposed relief road are the residents of Cranbrook Road. However, no assessment has been undertaken of the impact on their access to services within the village, particularly the Petrol Station, the two supermarkets and other services at the Moor. Residents will be required to travel back up the Cranbrook Road, along the Relief Road and back along the High Street – an increase in distance and time given the predicted delays along the High Street.
- xv. The closure of Cranbrook Road will impact upon the speed with which fire service vehicles can access properties along the Rye Road and down Highgate Hill and the Moor.
- xvi. The Application contemplates the closure of Cranbrook Road via a Stopping Up Order. This is likely to trigger the requirement for a public inquiry and there is no certainty such an order would be successful. Likewise, it is not clear how this would be achieved without compromising access to existing properties.
- xvii. The applicant has not assessed the particular impact during peak summer periods on traffic flows seeking to access Rye and Camber Sands from London. This is a high frequency impact which has not been considered by the applicant.
- xviii. No pedestrian crossing is proposed for existing residents to navigate the new junction. The closest pedestrian crossing to the footpath linking the Moor to Highgate on the southern side of the A268 is at the crossroads.

Conclusion on Traffic Impacts

- 4.70. The applicant has sought to present the relief road as the cure to the existing 'severe' congestion issues within the village. However, as set out above, this assertion is untenable once its impacts are properly understood, particularly given the extra traffic generated by the proposed development itself.
- 4.71. When considered as a whole (and the increased traffic from the development itself is taken into account) the relief road will in no way alleviate the existing congestion. It simply proposes the displacement of traffic currently using 4 limbs into 3 limbs. The result of which is to dramatically increase the traffic along the High Street – with daily peak queues predicted to more than triple to 500m.
- 4.72. In turn the increased traffic, will have a significant detrimental impact upon the Flimwell Junction and Strategic Road Network. Even after taking into account the contemplated mitigation works, the predicted delays will be far greater than in the 2033 'No Golf Course' scenario.
- 4.73. There are two overall points to draw from this analysis.
- 4.74. First, in no way should the relief road be considered a public benefit of any weight nor an "exceptional circumstance" to outweigh the presumption in favour of refusal of major development in the AONB.

4.75. Secondly, it is clear that when considered cumulatively the increased traffic from the development and the proposed relief road arrangements, will give rise to severe residual impacts both within Hawkhurst and at Flimwell for the purpose of the NPPF. On this basis alone the Application should be refused.

5. AIR QUALITY IMPACTS

- 5.1. The Council will appreciate that the Air Quality impacts of the Application are directly linked to the increase in traffic movements. The proposed doubling of traffic between the proposed roundabout and village crossroads is therefore particularly relevant.
- 5.2. However, there is a fundamental inconsistency between the Air Quality Chapter of the Environmental Statement and the Transport Chapter and separate Transport Assessment. In particular, the Air Quality Assessment has been based upon the Traffic Data at Table 5.32 of Appendix 5.3 of the Environmental Statement. This refers to a 2016 baseline situation whereas the Transport Chapter (and Transport Assessment) refer to a 2018 baseline using different data.
- 5.3. In turn the Air Quality assessment models a 2021 scenario, whereas the Transport Chapter models a 2028 and 2033 scenario. It is also not clear whether the Air Quality assessment has assumed the same cumulative and committed developments as the Transport Chapter.
- 5.4. In respect of the background modelling, the Air Quality assessment relies on data from the TWBC No2 monitoring location TW42. However, this location was discontinued in September 2017. This data is therefore 2 years out of date and therefore unreliable for making an informed assessment of the current baseline position – particularly given the data from TW42 shows a clear trend of levels increasing between 2014 and 2017. It is incumbent upon the applicant to undertake its own monitoring in order to accurately assess the current baseline.
- 5.5. The applicant sets out its assessment of the predicted annual mean no2 concentrations at Table 5-11. Again, the applicant has failed to set out the current baseline position for ease of comparison. Its assessment of significance is based on a comparison between the “Do Minimum” and “Do Something” scenarios. There is no analysis as against the baseline position.
- 5.6. The Assessment identifies the baseline Annual Mean No2 concentration at 27.2 ug/m3 in 2017 (and rising as a trend since 2014) at location TW42. In turn the applicant predicts (as set out in the Transport Assessment and Transport Chapter of the ES) huge increases in traffic movements.
- 5.7. Notwithstanding this baseline and significant increase in traffic, the applicant assesses that the annual mean contribution will drop at the closest monitoring point to TW42 (R11) to 12.2 ug/m3.
- 5.8. The results of this assessment lack credibility. The applicant appears to be suggesting that the Air Quality No2 levels will more than halve by 2021 notwithstanding the increase in traffic attributed to the proposed development and other committed developments.
- 5.9. It is instructive that the results set out in paragraph 5.7.14 do not correspond with the assessment at Table 5.41.
- 5.10. Furthermore, the Air Quality assessment does not address the specific impacts of the additional queuing and delays predicted by the Transport Assessment. In particular, there appears to be no assessment of the impact of the tripling of queue lengths between the proposed roundabout and the village crossroads on the High Street.
- 5.11. In turn no assessment has been made of the impact of additional queuing and traffic movements on the sensitive receptors at the Flimwell junction.
- 5.12. For these reasons the Air Quality Assessment is fundamentally flawed. The Council cannot properly assess the impact of the development until an updated, consistent and accurate Air Quality assessment has been provided by the applicant.

6. NOISE IMPACTS

- 6.1. Again, the Noise Assessment is entirely dependent upon the data derived from the Transport Assessment. Unfortunately, the same inconsistencies have arisen as in respect of the Air Quality Assessment.
- 6.2. The Noise Assessment assesses years 2025 and 2040 – whereas the Transport Chapter of the ES assesses 2028 and 2033, the Transport Assessment assesses 2023, 2028 and 2033, and the Air Quality Assessment assesses 2021. It is therefore impossible to verify whether the correct traffic data has been utilised. All three assessments should be undertaken on the same years for consistency purposes.
- 6.3. In turn the Noise Assessment fails to undertake a direct comparison between the current noise environment and the “Do Minimum” and “Do Something” scenarios. Table 7.3.13 sets out the summary current noise levels at four locations. However, these do not correspond with the locations where the future environment is predicted in Appendices 7.3 and 7.4. It is therefore impossible to compare like with like and make an informed assessment. It is also impossible to assess the current and future absolute levels as against the WHO Guidelines and BS 8233:2014 threshold levels.
- 6.4. Furthermore, the assessment in Appendices 7.3 and 7.4 does not assess changes in LAmax nor night time impacts.
- 6.5. The applicant has assessed the impact of both the general road network and also specifically the relief road. In both cases the applicant has based the assessment on the DMRB guidelines for assessing the magnitude of impact from road noise. This makes clear that any increase above 5dB is likely to have a “Substantial” effect in both the short and long term.
- 6.6. The applicant also explains that it is relevant to look at absolute levels where a threshold of 55db is considered to represent a “serious” annoyance and 50db a “moderate” annoyance.
- 6.7. In terms of the assessment of the impact on the general road network caused by the scheme, Appendix 7.3 refers to 8 ‘link’ locations set out in the Transport Assessment. However, the table only shows the change in noise levels in comparison between the Do Minimum and Do Nothing scenarios [somewhat confusingly the assessment also changes between using Do Nothing and Do Minimum terminology]. No actual monitoring has been undertaken in these locations and no absolute noise levels are given for the two comparative scenarios. On this basis it is impossible to assess whether the Application will result in any exceedances of the absolute levels in the WHO Guidelines and BS 8233:2014.
- 6.8. Notwithstanding this lack of clarity, Appendix 7.3 identifies that there will be an adverse impact in 7 of the 8 locations. There is predicted to be an increase along the High Street (and therefore affecting numerous sensitive receptors) of 2.8dB – this represents over a 20% increase in “loudness”.
- 6.9. In respect of the assessment of noise derived from the relief road itself there is a further lack of clarity. In Appendix 7.4 the applicant assesses 12 different locations. Again, no monitoring has been undertaken of the current 2019 baseline for comparative purposes. It is also not clear precisely where these locations have been taken to ensure they are fairly representative.
- 6.10. In all 12 locations the applicant has assessed there will be an adverse impact both in the 2025 and 2040 scenarios.
- 6.11. Against the DMRB criteria in 6 of the locations an increase of in excess of 5db is predicted representing a “substantial” effect. The applicant also defines a “substantial impact” at paragraph 7.3.21 of the ES as:

“considerable impact (by extent, duration or magnitude) or more than local significance or in breach of recognised acceptability, legislation or standards”

- 6.12. Using the applicant's adopted criteria these increases are only classified as "slight", but this underplays the significance.
- 6.13. In Oakfield it is predicted that there will be a comparative 5dB increase from 38.2 to 44.1dB. This is a dramatic increase in the context of a currently quiet residential cul-de-sac. At paragraph 7.3.14 the applicant acknowledges that at location MP2 (stated to be representative of Oakfield) that current "noise levels are low".
- 6.14. The modelling undertaken at MP2 (and set out at 7.3.13) suggests currently levels are above that recorded in the Do Nothing and Do Something 2040 scenarios in Oakfield. This assessment defies all logic given the location of the relief road and current noise derived from the Golf Course. This inconsistency again undermines the credibility of the whole assessment and overall conclusions on the impact in noise terms.
- 6.15. On the High Street east of the application site it is predicted that there will be a comparative 7dB increase from 45.3 to 53.4dB. Again, this represents a "substantial" increase against the DMRB criteria.
- 6.16. The applicant explains that the WHO considers a threshold of 50 dB to represent a "moderate" annoyance and a 55 dB threshold to represent a "serious" annoyance. The effect of the development in this location is therefore to exceed the first threshold and approach the second.
- 6.17. On Slip Mill Road the position is even worse. In four assessed locations it is predicted that there will be increases of between 5.7 and 9.2 dB, one of which is now predicted to exceed the 50dB WHO threshold. All would suffer a "substantial" effect against the DMRB criteria. Slip Mill Road is currently an identified quiet rural lane. Its noise environment will be permanently and irreversibly changed. An increase in 10dB represents roughly a doubling of 'loudness'. From the applicant's own assessment parts of Slip Mill will experience this scale of impact.
- 6.18. The reality is that the introduction of the Golf Course development and relief road will have a material detrimental impact on the noise environment enjoyed by neighbouring sensitive receptors. In particular the impacts on the quiet rural Slip Mill lane and Oakfield cul-de-sac will be stark.
- 6.19. Against this background it is instructive that the Noise Assessment identifies that numerous dwellings within the proposed development will require high specification glazing to achieve a satisfactory noise environment.
- 6.20. The applicant has assessed the predicted noise levels at these dwellings as against the requirements of BV 8233 2014. No assessment has been undertaken to demonstrate whether the same standards will be achieved at existing neighbouring properties. The applicant concludes that before mitigation future residents of the development will be subject to a "Substantial Adverse" effect both externally and internally. The reality is that existing neighbouring residents in Oakfield, Slip Mill Road and on the High Street will suffer similar noise levels.
- 6.21. The applicant acknowledges that specific trickle ventilation will be required to ensure the relevant levels can be achieved as well as high specification acoustic glazing. It is highly unusual for such acoustic mitigation to be required in a rural area. It is more commonly required in inner city locations.
- 6.22. This demonstrates the profound effect the relief road will have on the character of the local environment.

7. OTHER IMPACTS

- 7.1. The Environmental Statement also identifies numerous other detrimental impacts all of which weigh in favour of refusal of the Application.

Ecological Impacts

7.2. The Application will result in:

- The loss of over 150 trees and 17 separate tree groups. This includes over 20 BS Category Grade B trees. This is purely the impact from the detailed part of the Application. It is highly likely that further trees will be removed to facilitate the residential development pursuant to future reserved matters applications.
- The loss of 0.21 hectares of woodland habitats which the applicant considers are likely to be a remnant of the adjoining ancient woodland (ES para 10.6.5)
- The loss of a hectare of species rich semi-improved grassland (ES para 10.6.7)
- The loss of 1.2ha of dormouse habitat (ES paragraph 10.6.8)
- The direct loss of roosts and foraging habitats for several bat species (ES 10.6.10)
- The loss of reptile habitat (slow worms and grasssnakes) (ES Para 10.6.17)
- The loss of breeding bird habitats (ES para 10.6.22)
- Adverse long term effects on the adjoining areas of Ancient Woodland due to changes to the hydrological regime from increased impermeable surfaces and pollution (ES para 10.6.24)

7.3. Before the contemplated mitigation the applicant acknowledges that there will be “Major Adverse” impacts upon Dormice, Bat, Amphibian, Aquatic invertebrate and the European Eel habitats.

7.4. Even after mitigation the applicant acknowledges that there will be a certain “Major”, “Adverse” and “Permanent” effect arising from the loss of mature woodland with ancient characteristics. (ES Table 10.7).

7.5. The applicant explains that these definitions are based on Guidance produced by the Chartered Institute of Ecology and Environmental Management. Table 3 within the ES explains that a “Major” effect is defined as:

“An ecologically significant effect assessed as an effect at a district or higher level which would trigger policy/development control. This would relate to a moderate or major effect if mitigation measures cannot reduce the residual effect and would result in a net loss of biodiversity”

7.6. These permanent adverse impacts weigh heavily in favour of refusal of the Application.

Heritage Impacts

7.7. The applicant acknowledges that the Applicant will cause “less than substantial harm” to the Grade II listed Slip Mill Cottage, Slip Mill House, the Coach House, Yard and Outbuilding at Slip Mill, Holmans and the Barn at Holmans (see Planning Statement para 6.4).

7.8. The applicant will also cause “harm” to the settings of both the Iddenden Green (Sawyers Green) Conservation Area and the Hawkurst Highgate Conservation Area. This is illustrated by the Landscape Sensitivity Study undertaken by LUC and referred to in Section 3 above.

7.9. The LUC Study makes clear that the rural greenfield character of area HA1 (being the southern part of the Application site) makes an important contribution to the settings of both Conservation Areas. This negative impact is also recorded in the Sustainability Appraisal published by the Council in respect of the draft Local Plan (again see Section 3 Above).

7.10. The rural gap between the two Conservation Areas helps to enforce their position as separate settlements, which is a key contributor to their historic significance. The Application will result in the direct erosion of this rural gap and give rise to large suburbanisation of the area, compromising the setting of both Conservation Areas.

Socio-Economic Impacts

- 7.11. As set out above the proposed development would increase the size of the Village by 20%. It is instructive that the applicant's assessment of the Socio-Economic impacts of the Application focuses on a comparison with the Hawkhurst and Sandhurst Ward as whole.
- 7.12. This fails to recognise that Hawkhurst and Sandhurst are geographically and functionally very distinct communities. It also therefore fails to reflect the true impact on Hawkhurst as an independent village.
- 7.13. The applicant acknowledges that the proposals will give rise to:
- A 12.5% increase in the demand for GP provision within the Village;
 - A 40% increase in demand for dental services (with the nearest NHS Dentist being in Wadhurst; and
 - A requirement for an additional 117 primary school places and 84 secondary school places
- 7.14. The applicant proposes to address these impacts through financial contributions – however the quantum and certainty of these contributions is not particularised in the Planning Statement.
- 7.15. In respect of medical impacts there is no certainty that the proposed medical centre will be provided on site. The Planning Statement suggests that the applicant's offer is to provide the land only and make no contribution towards build costs. The draft local plan indicates that the Council's preference is for the site for any new facility to be provided elsewhere within the village. However, at this point there is no certainty that any new medical facility to meet the increased demand will be provided within the village.
- 7.16. In respect of the impact on dental facilities, again there is no suggestion of any new NHS Dentist's surgery being provided within the village.
- 7.17. Likewise, in respect of the increased demand for primary places there is no suggestion that Hawkhurst Primary School has capacity to absorb the increased demand even with the proposed financial contributions.
- 7.18. This means that residents will be required to travel outside of the village to access these core services at currently unknown locations. Not only will this give rise to extra trips by private car, but it will also erode the essential sense of community within the village.
- 7.19. The applicant fails to acknowledge the limited employment provision within the village and whether it has capacity to provide employment for an extra 1000 residents.
- 7.20. Somewhat comically, the applicant concludes that the Application will have a beneficial impact upon the 'Quality of Life' within the village. Given the impact on traffic, air quality and noise as well as the pressure placed on key services this conclusion is beyond parody.

Climate Change

- 7.21. The applicant acknowledges that the Application is likely to give rise to a significant effect given the increase in traffic movements as a result of the proposed development.
- 7.22. The applicant seeks to argue the introduction of a Travel Plan will adequately mitigate this impact. This is wholly unrealistic and the applicant ignores the key issue that contrary to the NPPF guidance set out above, they are seeking to introduce large scale residential development in an inherently inaccessible, unsustainable location miles away from key services and employment provision.
- 7.23. This will inevitably give rise to greater greenhouse gas emissions than if this housing was delivered either closer to such services and employment or close to key public transport hubs.

8. ANALYSIS OF PUBLIC BENEFITS

- 8.1. In Table 7.1 of the Planning Statement the Applicant sets out what it considers the public benefits of the Application to comprise. We set out below comments in respect of each of these alleged benefits.
- 8.2. However, by way of overarching response it is notable that in many cases the applicant seeks to argue that matters identified within the Application material as necessary to mitigate the impact of the Application are proposed as public benefits. **This is a legally unsound approach.** In order for a consideration to constitute a genuine public benefit it is necessary for the applicant to demonstrate additionality – i.e. that the benefit is above and beyond what the applicant is required to in order to mitigate the harmful impacts of the scheme.

| Alleged Public Benefit | Commentary |
|---|---|
| Creation of 420 temporary construction jobs per year | These jobs are temporary and would be created if the new homes were to be provided in an alternative more sustainable location in the borough. |
| Creation of longer-term jobs in the proposed class D1 and assisted living buildings | <p>The applicant estimates that in total the Application will generate between 10-43 jobs. This is largely dependent upon the take up of the D1 space.</p> <p>Against this uncertain job creation are the definite loss of 13 jobs associated with the current Golf Course use.</p> <p>The applicant's own Socio-Economic Impact assessment suggests that this level of job creation will have <u>"a negligible effect at borough level that [is] not significant"</u></p> <p>On this basis negligible weight should be given to any job creation as a public benefit.</p> |
| Additional expenditure in the local area from future residents | <p>This impact is not assessed in the Soco-Economic Impact chapter of the Environmental Statement.</p> <p>However, that chapter does make clear that Hawkhurst is within the least deprived deciles nationally and is an area of high employment levels.</p> <p>Given the recent growth of the village any additional expenditure is of only marginal benefit.</p> |
| Additional income in Council tax payments to TWBC | Increased Council Tax receipts would be generated if the new homes were provided in a more sustainable location in the borough |
| Boosting the Council's supply of housing by 417 homes | See Comments in Section 9 below |
| Boosting the Council's supply of affordable housing by up to 146 units | See Comments in Section 9 below |
| Delivery of self-build housing units | This is not a "public benefit" but simply part of the scheme |
| The provision of an attractive new development | Again, this is not a "public benefit" – particularly given the development is proposed on a 20 hectare greenfield site within the AONB which the Council's own landscape consultants consider is of high |

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| | sensitivity and only capable of accommodating very small scale development. |
| Improvements to the local pedestrian and cycle network | There are already effective pedestrian and cycle routes through the village. No proposals are contemplated “off-site” within the wider village. |
| Provision of a new public park and play areas | <p>This is largely necessary to meet the demand created by the applicant’s own development – as such it is primarily mitigation rather than a public benefit to the existing community.</p> <p>Given the location of the development and the topography of the village it is highly unlikely that residents from elsewhere in the village will walk a significant distance up and down hill to utilise the park.</p> <p>The Tunbridge Wells Borough Council Open Space Study proposes an access standard of 600m for parks and recreation. For children’s play space the access standard is 480m.</p> <p>A large portion of the village will be further away that from the site than these standards.</p> <p>In any event the village already has a significant over provision of Accessible Natural Space.</p> |
| On-Site provision and/or off-site contributions to medical, education and community facilities | <p>This is mitigation and not a public benefit.</p> <p>There is no guarantee that the medical facility will be provided on-site and it is not clear from the Application material what the applicant is offering by way of land/build costs.</p> <p>The draft Local Plan suggests the intention is for the medical centre to be delivered at the Fowlers Park site.</p> |
| Creation of a new public car park | <p>This car park will be of limited genuine public benefit given its distance from the village centre and the topography.</p> <p>It is entirely unrealistic to expect elderly visitors, or parents with young children to park in the car park and then walk a considerable distance up hill to visit the shops.</p> <p>Furthermore, it is unrealistic to expect visitors from the west, south and east of the village to travel a further considerable distance along the High Street and Relief Road.</p> <p>The applicant acknowledges this limitation in paragraph 3.3.20 of the Planning Statement</p> |

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| | <p>but states that the car parking is more likely to be attractive to those working in the village.</p> <p>However, there is no evidence of a requirement for 80 parking spaces for people working (but not living) in the village.</p> <p>It is also contrary to the applicant's assertion regarding the sustainability of Hawkhurst as a location to propose a car park as a public benefit.</p> |
| New pedestrian and cycle routes between Gills Green and Hawkhurst | This is already included and addressed above and is 'double counting' |
| Closing off the northern arm of the Highgate Crossroads has the potential to create an attractive pedestrianised new focal point for the village | <p>This demonstrates a fundamental misunderstanding of Hawkhurst and the character of the area proposed to be stopped up.</p> <p>The A229 leading south into the village crossroads is narrow with very little active frontage. The area proposed to be stopped up (as shown on Figure 3.4.2 of the Planning Statement) is particularly narrow and barren.</p> <p>It is not flat, in shadow for large parts of the day due to the proximity of the buildings and the wind is channelled into the gap.</p> <p>The idea that the space might be successfully utilised as a new pedestrianised 'focal point' for the village is entirely fanciful.</p> <p>The main focal point of the Highgate part of the village will remain the High Street and Rye Road.</p> |
| The site is in a sustainable location adjacent to the existing limits to built development of Hawkhurst | <p>For all the reasons set out above the site is not a sustainable location given its distance from public transport hubs, employment, education and medical facilities.</p> <p>Furthermore, as set out in the LUC study it forms a crucial role in providing a rural approach to the village crossroads and a green gap between the village crossroads, Gills Green and Iddenden Green.</p> <p>The fact that the site is adjacent to the existing limits of built development is therefore not a "public benefit" weighing in favour of the Application in this context.</p> |
| Re-use of under-utilised land | The site is a greenfield site in the AONB of acknowledged "high sensitivity". It is afforded the highest degree of landscape protection in accordance with the NPPF. Its greenfield status is a key component of its contribution to the AONB. It is nonsensical to argue that it is "under-utilised" in this context. |

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| | Despite the threat of closure there remains a thriving community at the Golf and Squash Club which, with relatively small investment, could be better utilised to serve the community, expand its offering and provide additional employment and enhanced facilities for the village. |
| Provision of a sustainable drainage system | This is pure mitigation necessary to off-set the impact of the major development on a greenfield site. |
| Significant new and enhanced landscaping | The site is currently a 20ha greenfield site in the AONB. In no way can the proposed landscaping off-set the harm caused by the permanent loss of such a site. A fact evidenced in the applicant's own Environmental Statement which acknowledges there will be a permanent residual adverse impact on the AONB in year 15 after mitigation |
| New ecological habitats | This is mitigation for the extensive loss of existing habitats |

9. APPLICATION OF PARAGRAPH 11 OF THE NPPF

- 9.1. As of 1 April 2019, the Council's Annual Monitoring Report indicates it considers it can demonstrate a housing land supply of 4.69 years. This is very close to the 5 year housing land supply required by the NPPF and it may be that by the time the Application is determined the position is different.
- 9.2. In any event the failure by a local planning authority to demonstrate a 5 year housing land supply does not mean that each and every application for residential development must be approved. Each application must still be determined on its own merits in accordance with the requirements of Paragraph 11 d) of the NPPF, the development plan, and other material considerations.
- 9.3. By way of illustration there are many recent examples of the Secretary of State refusing planning permission for residential development on called-in applications or recovered appeals notwithstanding the application of the presumption of development. For example:

| Scheme | Comments |
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| Friars Oak fields, Hassocks (APP/D3830/V/17/3166992) – 130 units | No 5 year housing land supply – application refused on highways safety grounds |
| Fritch Way, Braintree (APP/Z510/W/18/3197293) – 1600 units | No 5 year housing land supply – appeal refused on basis of impact on landscape character |
| Oakridge, Highnam (PCU/APP/G1630/W/3184272) – 40 units | No 5 year housing land supply – appeal refused due to impact on landscape character |
| Peel Hall, Warrington (APP/M0655/W/17/3178530) – 1200 units | No 5 year housing land supply – appeal refused due to highways and air quality impacts |
| Thorp Arch Wetherby (APP/N4720/W/17/3168897) – 847 units | No 5 year housing land supply – appeal refused on grounds of highways impacts |
| Wisley Airfield (APP/73615/W/16/3159894) – 2068 units | No 5 year housing land supply – appeal refused due to harm to Green Belt |

- 9.4. This list is not exhaustive, but the schemes are directly comparable with the Application scheme given the nature of issues involved. The decisions demonstrate the need to carefully and critically consider the impact of each development on its own merits.
- 9.5. The “presumption in favour of sustainable development” only applies to sustainable development. In this case given the intrinsic constraints of Hawkhurst, coupled with the harmful impacts to landscape, ecology, air quality, noise, highways and heritage, the Application does not represent “Sustainable Development.
- 9.6. It does not fulfil the economic objective – the applicant’s own analysis concludes it will have a negligible economic impact.
- 9.7. It does not fulfil the social objective – it does not foster a well-designed environment with accessible services
- 9.8. It does not fulfil the environmental objective – it does not protect or enhance the natural environment, improve biodiversity or mitigate climate change given the dramatic increase in private car use.
- 9.9. Even if the presumption is applied it is necessary to consider the two tests within paragraph 11 d) of the NPPF.

Policies within the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development

- 9.10. The applicant accepts (rightly) that the requirements of paragraph 172 of the NPPF are capable in principle of providing a clear reason for refusing the development.
- 9.11. Paragraph 172 provides that AONB is given the highest level of protection. In turn paragraph 17 provides that permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
- 9.12. In the Planning Statement the applicant seeks to assess the application as against the three “considerations” at paragraph 172 a-c. The applicant (wrongly) seeks to frame these considerations as “tests”. This is a legally incorrect interpretation. They are matters a local planning authority is required to take into account in assessing whether there are “exceptional circumstances”. They are not tests.

The need for the development including in terms of any national considerations and the impact of permitting it or refusing it upon the local economy.

- 9.13. The applicant's own Socio-Economic Impact assessment concludes that it will have a negligible impact in terms of employment provision. There will be no negative impact on the local economy caused by refusing the Application. Likewise, there are no national considerations in economic terms.

The cost of, and scope for, development outside the designated area, or meeting the need for it in some other way

- 9.14. The applicant argues that there is no scope for developing housing for Hawkhurst outside the AONB. The draft new Local Plan proposes a significant scale of new development in Hawkhurst. However, this is only at a very preliminary consultation stage and therefore carries no material weight in the determination of the Application.
- 9.15. The Local Plan process will consider whether the proposed level of growth at Hawkhurst is sustainable and sound. In the meantime, it is relevant to note that Hawkhurst has already exceeded the Core Strategy and Local Plan Site Allocations by over 16%. The previously identified need in Hawkhurst has already been met and exceeded.

- 9.16. The applicant refers to the constraints within the borough but has undertaken no analysis as to whether the current shortfall in housing supply (which is only marginally below the 5 year requirement) could or should be met elsewhere in the borough in more sustainable locations with greater accessibility to core services. The applicant considers Hawkhurst in isolation but undertakes no wider assessment of the borough. This is particularly relevant given the number of sites identified elsewhere in the borough through the Call for Sites exercise – particularly those close to Tunbridge Wells. There is no suggestion that Hawkhurst’s own housing need requires the release of the Golf Course site. This need is more than capable of being met on smaller sites in accordance with the policies set out in the adopted Neighbourhood Plan.
- 9.17. It is also relevant that in the Environmental Statement the applicant has undertaken no assessment of alternatives, contrary to the requirements of the EIA Regulations. Such an assessment would properly include an analysis of whether the outstanding housing need could be met outside of Hawkhurst.

The detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.

- 9.18. The Application will result in the loss of a 20 hectare greenfield site in an area considered to be of “high” landscape sensitivity by the applicant’s own consultants in the LUC Study – a study which was clear that the site could only accommodate development of a very small scale.
- 9.19. The Council’s draft Sustainability Appraisal concludes that the application will have a very negative impact on the AONB.
- 9.20. The applicant’s own Environmental Statement concludes that even in Year 15 the scheme will have a major adverse long-term impact on the landform, a long term adverse impact upon watercourses, and a long term adverse impact upon the AONB, and a significant long term adverse impact on the site itself.
- 9.21. Contrary to the guidance on the Council’s Landscape Character Assessment the scheme would heavily compromise the rural character of the area and tip the scales of Hawkhurst to a more urban character.
- 9.22. In turn the Application would be contrary to the guidance in the Landscape Character Assessment to limit new large-scale development in Hawkhurst.
- 9.23. When assessing the three considerations together it is clear that the scheme will fail to conserve and enhance the AONB and that there are no exceptional circumstances to justify planning permission being granted.
- 9.24. On this basis notwithstanding TWBC’s inability to demonstrate a 5-year housing land supply it is evident that Paragraph 172 provides a clear reason for refusing the application.

The adverse impacts of approving the Application will significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework as a whole

- 9.25. For all the reasons set out above the Application contravenes numerous policies within the NPPF.
- 9.26. **Paragraph 72** requires significant extensions to villages to be well located and supported by the necessary infrastructure and facilities. It goes on to provide that the size and location of developments must support a sustainable community with “sufficient access to services and employment opportunities within the development itself... or in larger towns to which there is good access”. In this case the Application is not genuinely accessible to education, medical and employment services other than by the use of private car trips.
- 9.27. **Paragraph 97** provides that existing open space, sports and recreational buildings and land should not be built on unless: an assessment has been undertaken to show the space is surplus to requirements (no such assessment has been undertaken in the Application), the loss

would be replaced by better provision in terms of quantity and quality, or the development is for alternative sports and recreation provision. The Application is directly contrary to this policy and would result in the loss of a golf course and squash facilities which are not proposed to be replaced.

- 9.28. **Paragraph 103** provides that “significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emission and improve air quality and public health”. For all the reasons set out above the Application will have the opposite impact by increasing the need to travel with no genuine choice of transport modes.
- 9.29. **Paragraph 108** requires any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety to be cost effectively mitigated to an acceptable degree. In this case, the impacts from the development are significant and as set out above cannot be effectively mitigated even with the proposed relief road (which will make congestion worse) and the proposed works to the Flimwell junction.
- 9.30. **Paragraph 109** provides that applications should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. As set out above the Application by itself and in conjunction with other developments will give rise to severe residual cumulative impacts.
- 9.31. **Paragraph 127** requires decisions to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. For the reasons set out in Section 3 above the Application is completely unsympathetic to the highly sensitive current landscape setting.
- 9.32. **Paragraph 150** provides that new development should be planned for in ways that can help reduce greenhouse gas emissions through its location. As set out above the Application will increase greenhouse gas emissions due to the complete reliance on additional private car trips to access key services and employment.
- 9.33. **Paragraph 170** requires planning decisions to protect and enhance valued landscapes.
- 9.34. **Paragraph 172** requires great weight to be given to conserving and enhancing landscape and scenic beauty in the AONB, which has the highest status of protection in relation to these issues. The scale of development within the AONB should be limited and planning permission should be refused for major development other than in exceptional circumstances.
- 9.35. **Paragraph 180** requires decisions to ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.
- 9.36. **Paragraph 193** explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weigh should be given to the asset’s conservation.
- 9.37. When considered together the Application will:
 - Cause significant harm to the AONB and landscape character of Hawkhurst;
 - Result in severe residual traffic impacts in terms of congestion and delay at the village crossroads and at Flimwell – both by itself and cumulatively;
 - Be located in an unsustainable location away from key employment and services;
 - Therefore, give rise to an unnecessary increase in greenhouse gas emissions from the increase in private car trips;
 - Result in the loss of recreation facilities in the Golf Course and Squash Courts;
 - Result in a deterioration in the rural quality of the village through adverse impacts in noise and air quality terms; and
 - Harm the settings of several heritage assets including two of the village’s Conservation Areas

9.38. The adverse impacts of the development will therefore significantly and demonstrably outweigh the benefits of the Application when assessed against the policies in the NPPF as a whole.

The Hawkhurst Neighbourhood Plan

9.39. The Hawkhurst Neighbourhood Plan was made in March 2018. It sets out a number of objectives including:

- To maintain and enhance the rural character of the Moor, Highgate, Gills Green, Sawyers Green and Four Throws; and
- To protect and enhance the natural historic environment, the quality and character of the built environment and the wider countryside.

9.40. Policy HD1(b) provides that larger development of 10 or more houses will only be supported if it can be demonstrated that there are exceptional circumstances and if it can be demonstrated that their impact on the sensitive AONB landscape setting and the considerable environmental constraints of Hawkhurst can be effectively mitigated. It expresses a clear preference for smaller-scale sites. For all the reasons set out above the Application is in breach of this policy and there are no exceptional circumstances to overcome this breach.

9.41. The explanatory text explains that there is a strong desire to avoid the development of large housing estates that feel detached from the core of the village.

9.42. The text explains that new development needs to integrate the use of sustainable modes of travel between the site and the heart of the existing building areas. The Plan adopts a distance of up to 800m from origin to destination. It notes that the hilly topography of the parish can make even short walks challenging for some. A large number of dwellings within the Application will exceed this 800m threshold.

9.43. Policy LP1 requires applications to demonstrate that the proposals will not have an unacceptable adverse visual impact on the landscape setting of the village.

9.44. In summary the Application is directly contrary to the objectives and detailed policies within the Neighbourhood Plan.

10. CONCLUSION

10.1. Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2008 the Council is required to determine the Application in accordance with the provisions of the development plan unless material considerations indicate otherwise.

10.2. The Application is in direct contravention of numerous policies within the adopted development plan including (but not limited to):

- **Breaching Core Strategy CP4** – by failing to conserve and enhance the AONB;
- **Breaching Saved Policy EN25 of the 2006 Local Plan** by having a major adverse impact on the landscape character of the area and a detrimental impact on the landscape settings of Hawkhurst;
- **Breaching Neighbourhood Plan Policies HD1(a) and LP1**

10.3. In respect of the NPPF, the Application of the presumption in favour of sustainable development, the Application will:

- Not represent “Sustainable Development” in accordance with the economic, social and environmental objectives set out in the NPPF;
- Be directly contrary to Paragraph 172 of the NPPF, thereby failing to protect the AONB and providing a clear reason for refusing the Application;

- Give rise to numerous adverse impacts which will significantly and demonstrably outweigh any benefits when considered against the policies in the NPPF as a whole.
- 10.4. There are no public benefits or wider material considerations to outweigh the significant breaches of the development plan and NPPF.
 - 10.5. In particular, the alleged benefits of the 'relief road' have been overstated and mis-sold. Given the traffic generated by the development itself, the scheme will provide no material reduction in congestion at the Village crossroads and in many respects will make the situation significantly worse particularly along the High Street.
 - 10.6. In turn the Application itself will give rise to a severe residual impacts, increasing traffic numbers, queue lengths and delays at Fimwell – even if the proposed mitigation works are undertaken.
 - 10.7. The Application is an ill-thought out speculative development seeking to take advantage of the Council's inability to demonstrate a 5 year housing land supply.
 - 10.8. It has been submitted prematurely before proper and detailed consideration has been given to Hawkhurst's capacity to accommodate the proposed level of growth as part of the new Local plan process.
 - 10.9. If approved it will have a permanent detrimental impact upon the AONB, the essential character of Hawkhurst and the living conditions of existing residents.
 - 10.10. To repeat – the Application proposes the wrong development, in the wrong location at a wholly inappropriate scale. It should therefore be refused.