

Hearing Statement – Matter 5; Issue 1 (Land North of Birchfield Grove; Policy AL/HA5)

Q2. Is the allocation, as suggested to be modified, justified and consistent with national planning policy, having particular regard to the effect of development on the highway network and the High Weald AONB?

The development is not justified and consistent with national planning policy.

The Land North of Birchfield Grove site allocation in Hawkhurst comprises wood pasture and parkland habitat, which is a priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Natural England confirmed that the site constitutes wood pasture and parkland habitat in November 2023 (and this correspondence was passed to TWBC planners ahead of the planning committee meeting). Natural England stated they will be including Birchfield Grove on their priority habitat inventory.

Within Biodiversity Net Gain (BNG), wood pasture and parkland is classified as a Very High Distinctiveness Habitat (VHDH). As per the Statutory Biodiversity Metric User Guide (Defra, 2024) VHDH 'are highly threatened, internationally scarce habitats which require conservation action, and impacts to these habitats should be avoided in line with planning policy'.

The habitats were wrongly classified as part of the planning application, and were deemed to be woefully undervalued. The loss of wood pasture and parkland has not been recognised, assessed or compensated/mitigated and defies TWBC's own BNG policy (which was in place when the application was submitted).

On the basis, the allocation has failed to consider the following requirements under National Planning Policy Framework (NPPF) Para 180:

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

(a) **protecting and enhancing** valued landscapes, **sites of biodiversity** or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

(b) **recognising the intrinsic character and beauty of the countryside**, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

(c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

(d) **minimising impacts on and providing net gains for biodiversity**, including by establishing coherent ecological networks that are more resilient to current and future pressures;

(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. **Development should, wherever possible, help to improve local environmental conditions such as air and water quality**, taking into account relevant information such as river basin management plans; and

(f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Para 181:

181. Plans should: distinguish between the hierarchy of international, national and locally designated sites; **allocate land with the least environmental or amenity value**, where consistent with other policies in this Framework ⁶²; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

Para 183:

183. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, **permission should be refused for major development ⁶⁴ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest**. Consideration of such applications should include an assessment of:

- (a) 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;
- (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- (c) **any detrimental effect on the environment**, the landscape and recreational opportunities, and **the extent to which that could be moderated**.

And Para 186:

186. When determining planning applications, local planning authorities should apply the following principles:

- (a) **if significant harm to biodiversity resulting from a development cannot be avoided** (through locating on an alternative site with less harmful impacts), **adequately mitigated, or**, as a last resort, **compensated for**, then **planning permission should be refused**.

Furthermore and as detailed within the Post Initial Findings Consultation (Responses to comments relating to Policy AL/HA 5 Land to the north of Birchfield Grove), Natural England have opposed the scheme claiming the 'Addition of 70 houses in High Weald National Landscape (HWNL) is likely to result in significant landscape and visual impacts and has not been considered against the requirements of NPPF Para 183 or assessed in the updated Sustainability Appraisal.'

In summary, the allocation will result in significant harm to biodiversity and a loss of VHDH, which has not been considered/mitigated or compensated for. Surely this is not acceptable?

Matter 5 – The Strategy for Hawkhurst

Issue 1 – Land North of Birchfield Grove – Policy AL/HA5

- Q1. What is the justification for the suggested changes to Policy AL/HA5? Why are they necessary for soundness?
- Q2. Is the allocation, as suggested to be modified, justified and consistent with national planning policy, having particular regard to the effect of development on the highway network and the High Weald AONB?
- Q3. Land north of Birchfield Grove was identified for residential development in an earlier iteration of the Plan but was subsequently removed ahead of the Regulation 19 version. At the Stage 2 hearing sessions the Council's position was that residential development on the site would not be justified. What are the reasons for the Council's change in position and where is this evidenced?
- Q4. How will the allocation be delivered as a whole and how will the Council ensure that the medical centre is provided?