

Appendix 5 **Statement of Common Ground between Kent County Council and Vectos**

Turnden Phase 2, Cranbrook

LPA Reference: 20/00815/FULL

**Statement of Common Ground agreed between Kent County
Council and Vectos (on behalf of Berkeley Homes)**

August 2021

Contents

1	INTRODUCTION.....	2
2	DEVELOPMENT PROPOSALS	3
	Access Arrangements	3
3	ACCESSIBILITY BY SUSTAINABLE MODES OF TRANSPORT	5
	Walking and Cycling	5
	Links Within and External to the Site	5
	Local Amenities.....	6
	Public Transport.....	9
	Summary	10
4	TRIP GENERATION AND ASSESSMENT OF TRAFFIC IMPACT	11
	Trip Generation, Distribution and Assignment	11
	Modelling	11
	KCC Comments on Modelling.....	13
5	MITIGATION	14
	Mitigation Package.....	14

Figures

Figure 1	– Public Rights of Way Network
Figure 2	- Local Amenity Plan

Appendices

Appendix A	– Proposed Site Access (Turnden Phase 2)
Appendix B	- Access Location Plan
Appendix C	- Highway Network and Speed Limit Changes

1 INTRODUCTION

1.1 This document is an agreed Statement of Common Ground (SoCG) on transport issues between Kent County Council (KCC), in their role as highway authority, and Vectos acting on behalf of Berkeley Homes (the Applicant) in relation to the planning application (ref: 20/00815/FULL) submitted by the Applicant in March 2020, and which as amended, is for:

“The construction of 165 new dwellings with associated access, car parking, refuse/recycling storage, landscaping, earthworks and other associated works.”

1.2 This SoCG deals with transport issues only. Some matters related to transport are dealt with within a separate Statement of Common Ground between Tunbridge Wells Borough Council (TWBC) and the Applicant.

1.3 The remainder of this SoCG addresses the following matters:

- i. Section Two sets provides details of the proposed development with regard to access and parking arrangements and local road network improvements;
- ii. Section Three summarises matters relating to the accessibility of the site by sustainable modes of transport;
- iii. Section Four summarises matters relating to trip generation and analysis of the impact of development traffic on the local highway network; and
- iv. Section Five sets out the highways mitigation that has been agreed.

2 DEVELOPMENT PROPOSALS

Access Arrangements

- 2.1 The proposed vehicular access to the site is agreed. It takes the form of a new priority controlled junction from the A229 Hartley Road with the provision of a right turn lane, which is provided at **Appendix A**. In addition, the Turnden Lane/Hartley Road junction will be improved with a newly created dedicated right hand turn lane into Turnden Lane.
- 2.2 The proposed junction position is 150 metres to the south west of the proposed Brick Kiln Farm access and 160 metres north east of the Turnden Phase 1 access. A plan showing the location of the accesses to Turnden Phase 1, Phase 2 and the Brick Kiln Farm development is included at **Appendix B**.
- 2.3 As part of approved schemes adjacent to the development site (Turnden Phase 1 and Brick Kiln Farm), the A229 speed limit in the vicinity of the site is to be reduced to 30mph, which is also shown at **Appendix C**.
- 2.4 Appropriate visibility splays based on 85th percentile speeds as recorded from ATC surveys can be achieved from the proposed junction location.
- 2.5 A co-ordinated approach has been taken to footway design between the sites and a continuous footway with a minimum width of 1.8m will be provided from the site access up to the High Street. 1.8m is the normal minimum width of footway specified and allows people, including those in wheelchairs, with prams etc to pass
- 2.6 It is noteworthy that paragraph 7.16 of the main SoCG between TWBC and the Applicant states:
- “It is agreed that the proposed access arrangements off-site and within the site are acceptable (subject to details to be agreed by condition). The provision of a righthand turn ghost lane into Turnden Lane is an improvement to the existing road layout and a material benefit.”.*
- 2.7 In summary, the highway environment along the section of the A229 adjacent to the Application site will change significantly. The main changes are:
- i) Right turn lanes facilitating site access;
 - ii) Right turn lane into Turnden Road;

- iii) Central islands to assist pedestrians crossing the road and to prevent overtaking;
- iv) Central island at the Hartley Road (A229)/High Street junction.
- v) Enhanced footways; and
- vi) Speed reduction to 30 MPH.

3 ACCESSIBILITY BY SUSTAINABLE MODES OF TRANSPORT

Walking and Cycling

- 3.1 Within the vicinity of the site, a footway is provided along the eastern side of the A229.
- 3.2 Along the High Street to the north east of the site, a footway is provided along the southern side of the road, and then on both sides after approximately 350m. These footways benefit from streetlighting.
- 3.3 In addition to footways along the local highway network, the site is also connected to the Public Rights of Way (PROW) network. Public footpath WC115 is accessed via the A229 and runs through the south west area of the site. It connects to public footpath WC116 which runs to the south east of the site. Public footpath WC95 is located to the north of the site and provides connections to other public rights of way leading into Cranbrook. The PROW network in the vicinity of the site is illustrated at **Figure 1**.
- 3.4 National Cycle Network (NCN) Route 18 is located approximately 2.2km (8-minute) cycling distance to the south of the site and is illustrated in **Figure 1**. NCN Route 18 runs in an east west alignment, providing a key cycling route through Kent and connecting to local towns such as Goudhurst and Tenterden. Further afield, NCN route 18 connects to Ashford and Canterbury in the east and Royal Tunbridge Wells in the west.

Links Within and External to the Site

- 3.5 There will be two main ways in which residents can walk and cycle to Cranbrook. The first is via the adjacent Brick Kiln Farm development. This will utilise the walking and cycling infrastructure within that development and link directly to Cranbrook High Street. From there, pedestrians can use the available footways and cyclists can use the low speed road to access the town centre.
- 3.6 The adjacent site, Brick Kiln Farm, has the benefit of outline planning permission for 180 homes and is allocated for development within the TWBC Site Allocations Local Plan 2016 for between 200 – 250 dwellings - Ref. AL/CR4. That policy contains a number of requirements, including 'green infrastructure links shall be provided within the site to promote pedestrian and cycle accessibility and to enhance biodiversity, linking the High Street, the Co-op car park, the Crane Valley and areas of open space'.

- 3.7 Alternatively, residents can use the site access and the A229 and then Cranbrook High Street. This route will be upgraded as a result of the development proposals.
- 3.8 In addition to the above, there is a further allocation at Corn Hall that will, when built out, provide further direct foot and cycle links to the town centre and in particular to the Co-op store

Local Amenities

- 3.9 The tables below set out the distance from the site to nearby local amenities. The first is assuming that the route via Brick Kiln Lane is used, which is the most likely scenario, given it is a permitted scheme, and the second assumes the footways adjacent to the A229/High Street are used.
- 3.10 The agreed walking and cycling distances and times from the centre of the site are shown in the table below. A plan showing the location of local facilities is included at **Figure 2**.

Table 3.1: Local Facilities – Access via Brick Kiln Farm Development

Facility Type	Facility	Approximate Distance from centre of site (metres)	Approximate Walking Time (minutes)	Approximate Cycle Time (minutes)
Education	The High Weald Academy (Secondary School)	1500	19	7
	Junior’s Day Nursery	2200	28	10
	Rainbow Pre-School	1300	16	6
	Cranbrook School (Secondary School)	1600	20	7
	Cranbrook Church of England Primary School	1700	21	8
Supermarket	Co-op Food – Cranbrook	1200	15	5
	Welcome Stores	1250	16	6
Retail	Happy & Glorious Gift Shop	1200	15	5
	Butler House Shop	1150	14	5
Leisure	The Weald Sports Centre	1650	21	8
	Cranbrook Museum	1450	18	7
Medical Centre	Tanyard and Golding Dental Group	1100	15	5
	The Old School Surgery	1600	20	7
Other	Royal Mail Cranbrook Delivery Office	1300	16	6
	St Dunstan’s Church, Cranbrook	1350	17	6
	Lloyds Bank	1200	15	5
	White Horse Pub	1350	17	6
	Wilkes Field Community Centre	1350	17	6

Table 3.2: Local Facilities – Access via Existing Footways Adjacent to A229/High Road

Facility Type	Facility	Approximate Distance from nearest proposed access (metres)	Approximate Walking Time (minutes)	Approximate Cycle Time (minutes)
Education	The High Weald Academy (Secondary School)	1400	17	4
	Junior's Day Nursery	1100	14	5
	Rainbow Pre-School	1500	17	5
	Cranbrook School (Secondary School)	1800	21	6
	Cranbrook Church of England Primary School	1900	22	7
Supermarket	Co-op Food – Cranbrook	1400	16	5
	Welcome Stores	1400	17	4
Retail	Happy & Glorious Gift Shop	1400	16	4
	Butler House Shop	1400	16	4
Leisure	The Weald Sports Centre	1600	19	5
	Cranbrook Museum	1600	19	5
Medical Centre	Tanyard and Golding Dental Group	1300	15	4
	The Old School Surgery	1800	21	6
Other	Royal Mail Cranbrook Delivery Office	1500	17	4
	St Dunstan's Church, Cranbrook	1500	18	5
	Lloyds Bank	1400	16	4
	White Horse Pub	1500	18	5
	Wilkes Field Community Centre	1500	18	5

3.11 The above analysis shows that in either case all the local facilities are within 2km of the centre of the site with the great majority being within circa 1.6km. This demonstrates the sustainable location of the Application site in relation to Cranbrook.

3.12 It should be noted that the Wilkes Field Community Centre is not yet built out but is to come forward along with 28 residential dwellings as part of an approved (in September 2016) development (planning reference: 16/503953/FULL), located to the north east of the site off Stone Street. This will include a range of facilities.

Public Transport

3.13 The nearest bus stops to the site are located approximately 300 metres to the north east of the site in the vicinity of the War Memorial. Additional stops are located approximately 450 metres to the south west of the site on the A229 Hartley Road and approximately 600m north of the site on the A229 Angley Road. These stops are served by a number of services, including school services and routes towards the built up areas of Cranbrook and Hawkhurst and further afield towards Maidstone and Tunbridge Wells.

3.14 **Table 3.3** below summarises the routes and service frequencies from the nearby bus stops which are agreed.

Table 3.3: Existing Bus Services

No.	Operator	Route	First Bus	Last Bus	Average Frequency		
					Weekday	Saturday	Sunday
5	Arriva	Maidstone - Staplehurst - Cranbrook - Hawkhurst - Sandhurst	06:15	22:10	1 per hour	1 per hour	1 every 2 hours
5C	Hams Travel	Benenden - Hawkhurst - Cranbrook School	07:53	15:45	School Service	-	-
267	Hams Travel	Hawkhurst - Cranbrook - Goudhurst - Paddock Wood - Tunbridge Wells Boys' Grammar	06:56	17:12	School Service	-	-
268	Hams Travel	Hawkhurst - Cranbrook - Goudhurst - Paddock Wood - Tonbridge Schools	07:01	17:15	School Service	-	-
297	Hams Travel	Tenterden - Rolvenden - Cranbrook - Goudhurst - Tunbridge Wells	08:01	20:11	1 every 2 hours	1 every 2 hours	-
349	Stagecoach	Cranbrook - Hawkhurst - Sandhurst - Bodiam - Sedlescombe - Hastings	09:05	17:05	-	-	1 every 2 hours

Rail

3.15 The nearest train station to the site is Staplehurst Railway Station, located approximately 10km to the north of the site. The station can be reached from the site via bus route 5, with

an approximate journey time of 27 minutes. Staplehurst Railway station is on the South Eastern Main Line and is operated by Southeastern. The station is served by two trains per hour to London Charing Cross and one train per hour to Ramsgate.

Summary

- 3.16 As set out in the main SoCG between TWBC and the Applicant, the site is in an accessible location. Paragraph 7.11 of this SoCG includes the following text:

“The site is in an accessible location, having regard to local bus routes, schools, shops and services.”

- 3.17 Provided the improvements to the walking and cycling routes summarised above are secured through appropriate obligations, it is agreed that the site has good quality walking and cycling links to nearby bus stops, Cranbrook town centre and local amenities.

4 TRIP GENERATION AND ASSESSMENT OF TRAFFIC IMPACT

Trip Generation, Distribution and Assignment

- 4.1 The trip generation assessment for the proposed development was set out within the Transport Assessment (TA) submitted in support of the planning application and was subsequently amended to reflect the revised scheme (168 units to 165) in a Transport Addendum report.
- 4.2 The assessment was undertaken using ‘residential, privately owned houses’ within the TRICS database. The agreed resulting vehicle trip generation is provided in the table below.

Table 4.1: Anticipated Trip Generation (165 Private Houses)

Time Period	Trip Generation (165 Units)		
	Arrivals	Departures	Totals
AM Peak	37	115	152
PM Peak	71	46	117
Daily	584	588	1,172

Modelling

- 4.3 The traffic impact analysis for the proposed development was also set out within the Transport Assessment (TA) submitted in support of the planning application. Analysis presented within the TA is based on the following junctions as agreed with KCC Highways at the pre-application stage.
- Proposed Site Access / A229 priority junction;
 - Turnden Road / A229 priority junction;
 - High Street / A229 (under conditions with and without improvements associated with Brick Kiln Farm planning application);
 - A229 / A262 roundabout; and
 - Hawkhurst signalised crossroads.
- 4.4 The location of the junctions listed above are illustrated in the figure below.

Figure 4.1: Location of Junctions Assessed



4.5 It is noteworthy that during scoping discussions between the Applicant and KCC it was agreed that detailed analysis of the Goudhurst and Staplehurst junctions was not required owing to the predicted trip distribution.

Future Assessment Year

4.6 As part of the Milestone assessment, 2016 surveyed flows, which were derived from the Brick Kiln Farm Transport Assessment have been factored up to 2026 (5 years post targeted development opening) using TEMPRO (v7.2).

KCC Comments on Modelling

- 4.7 It is agreed with KCC Highways that the traffic impact on all assessed junctions is acceptable without any mitigation with the exception of the Hawkhurst signalised crossroads.
- 4.8 At Hawkhurst, Vectos have developed a scheme to improve operation of the traffic signals. This is through introduction of on-crossing detection (puffin crossings) for pedestrians and MOVA.
- 4.9 It is agreed that the introduction of the scheme would mitigate the impact of the Application proposal.
- 4.10 It is agreed that, on the basis that the applicant agrees to install MOVA and on-crossing detection (puffin crossings) prior to the occupation of 50 residential units, then KCC withdraw their objection to the proposals.
- 4.11 It is further agreed that the previously agreed contribution of £165K towards bus service improvements is no longer required. This is on the basis that introduction of the enhancements to the signals will reduce delay for all vehicles including buses and also allows the introduction of bus priority. Both of these measures will improve bus journey times and reliability.
- 4.12 The Hawkhurst scheme will be delivered by a section 278 Agreement. Amendments to the current s106 agreement will also be required to remove the £165k contribution mentioned above.

5 MITIGATION

5.1 The agreed mitigation is summarised below.


Mitigation Package

5.2 The following contributions with regard to transport are to be provided through a S106 Obligation.

- £10,000 towards off-site Public Rights of Way improvements. This will seek to improve Public Footpaths WC95, 115, 116 and 128. Improvements include:
 - Improvements/installation to fingerposts;
 - Potential to replace existing stile with self closing metal kissing gate. Costs includes purchase and installation of gate, including type 1 stone surfacing within hoop compound, disposal of redundant stile; and
 - Vegetation clearance, localised surfacing improvements, new waymarking
- Improvements to 2 x bus stops on Hartley Road (only in the event that the housing development at Turnden Phase 1 is not completed in time for the scheme to provide 2 x bus stops).
- Provision of pedestrian crossing facilities at the junction of Hartley Road and the High Street (only in the event that the housing development at Brick Kiln Farm or Turnden Phase 1 is not completed in time for that scheme to provide the pedestrian crossing facilities).
- A reduction in the speed limit and associated measures along the A229 (only in the event that the housing development at Brick Kiln Farm or Turnden Phase 1 is not completed in time for that scheme to provide the speed limit extension).

Agreement Between Vectos on behalf of Berkeley and KCC

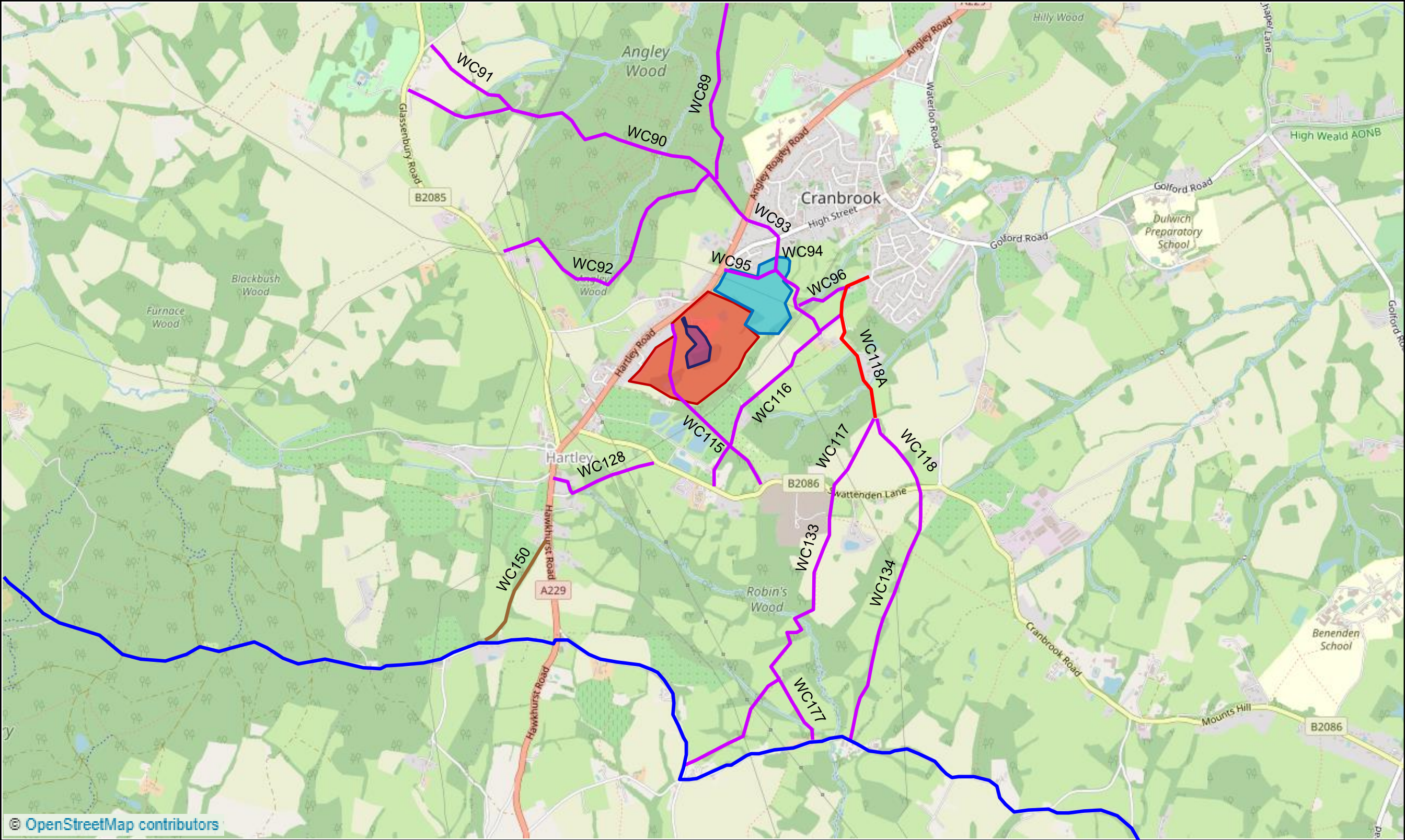
Signed

David Bird at Vectos (on behalf of Berkeley) 





David Joyner at KCC

FIGURES

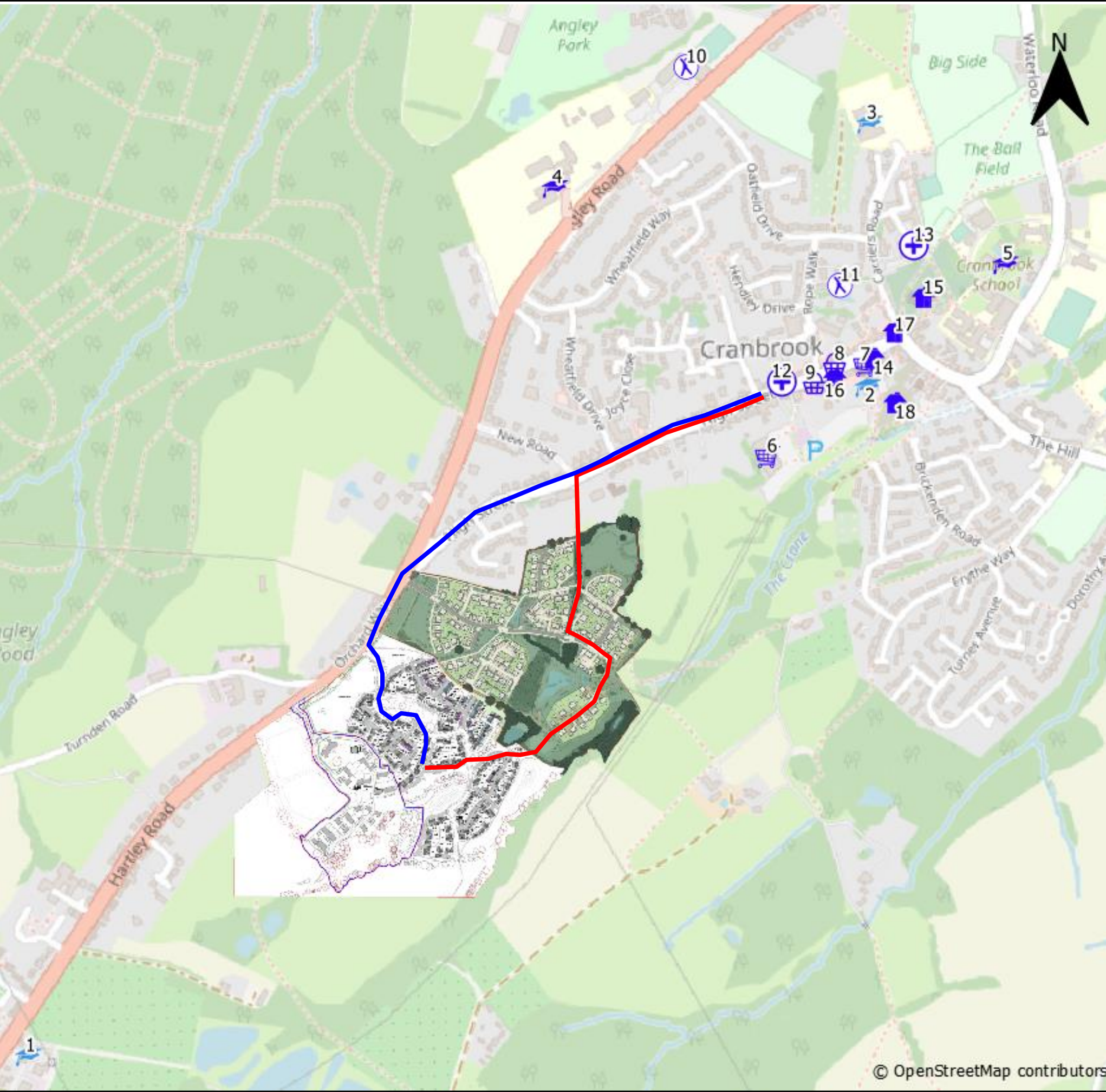


© OpenStreetMap contributors

Key:	
	Site Location
	Phase 1 Site Location
	Adjacent Development (Brick Kiln Farm)
	Footpath (PROW)
	Restricted Byway (PROW)
	NCN Route 18

Turnden Phase 2, Cranbrook			
PROW Network			
DRAWN:	CHECKED:	DATE:	SCALES:
MO	JW	10/06/2021	NTS

Berkeley Homes
vectos.
<small>Network Building, 97 Tottenham Court Road, London W1T 4TP Tel: 020 7580 7373 Email: vectos@vectos.co.uk www.vectos.co.uk</small>
DRAWING REFERENCE: Figure 3



Key

- Route to town centre via main roads
- Route to town centre via Brick Kiln Farm
- 🎓 Primary Education
 - 1. Junior's Day Nursery
 - 2. Rainbow Pre-School
 - 3. Cranbrook Church of England Primary School
- 🎓 Secondary Education
 - 4. The High Weald Academy
 - 5. Cranbrook School
- 🛒 Supermarket
 - 6. Co-op Food – Cranbrook
 - 7. Welcome Stores
- 🏪 Retail
 - 8. Happy & Glorious Gift Shop
 - 9. Butler House Shop
- ⓧ Leisure
 - 10. The Weald Sports Centre
 - 11. Cranbrook Museum
- ⚕️ Medical Centre
 - 12. Tanyard and Golding Dental Group
 - 13. The Old School Surgery
- 🏠 Other
 - 14. Royal Mail Cranbrook Delivery Office
 - 15. St Dunstan's Church
 - 16. Lloyds Bank
 - 17. White Horse Pub
 - 18. Wilkes Field Community Centre

Berkeley Homes

Turnden Phase 2, Cranbrook

Routes to Local Amenities

SCALES: **NTS**

DRAWN: MO	CHECKED: JW	DATE: 05/07/2021	REVISION: .
--------------	----------------	---------------------	----------------

vectos.

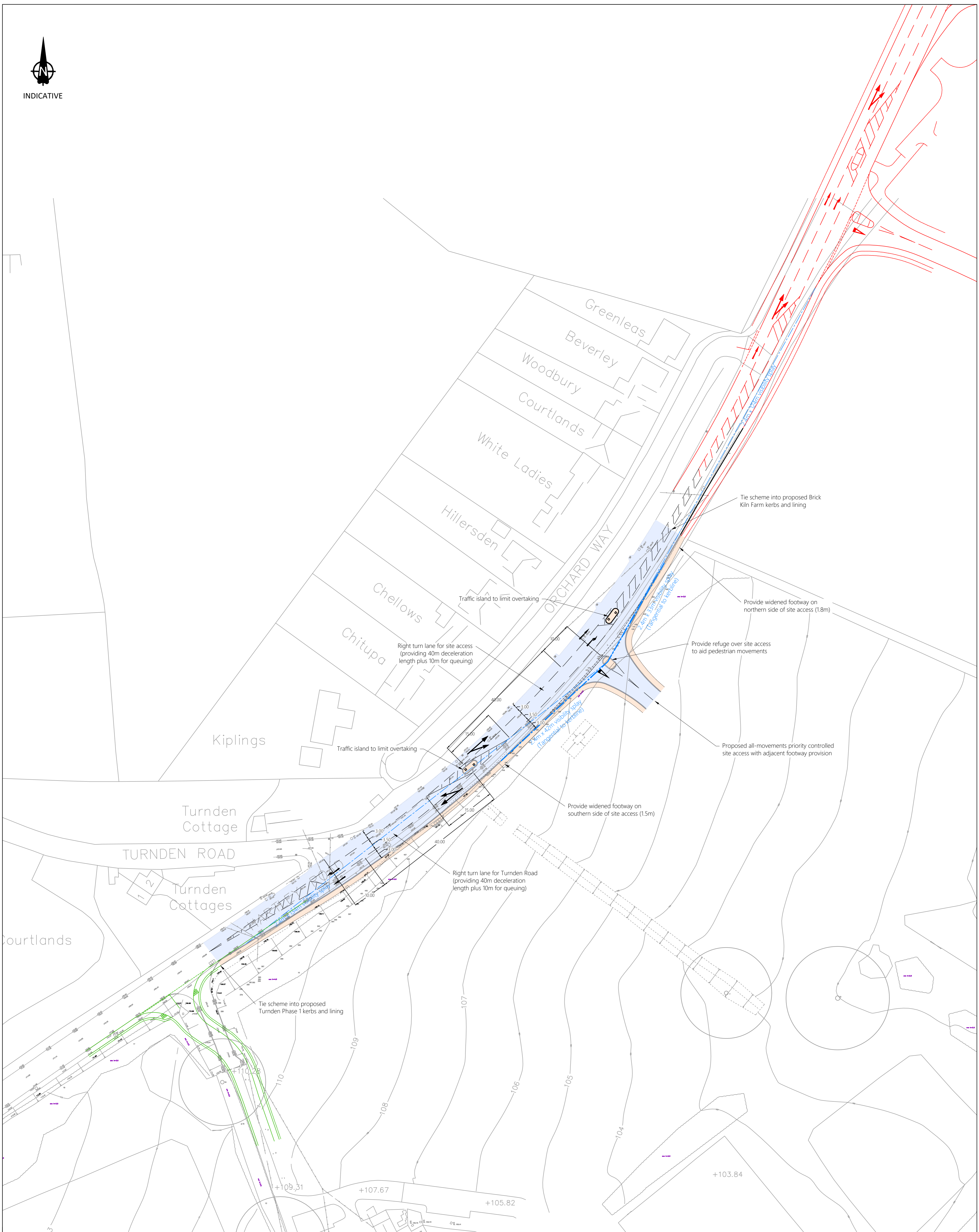
Network Building, 97 Tottenham Court Road, London W1T 4TP
 Tel: 020 7580 7373 Email: vectos@vectos.co.uk www.vectos.co.uk

DRAWING REFERENCE: **Figure 6**

APPENDIX A



INDICATIVE



Notes

Key	
	Turnden Phase 1 Access proposals
	Brick Kiln Farm Access / Highway Improvement proposals

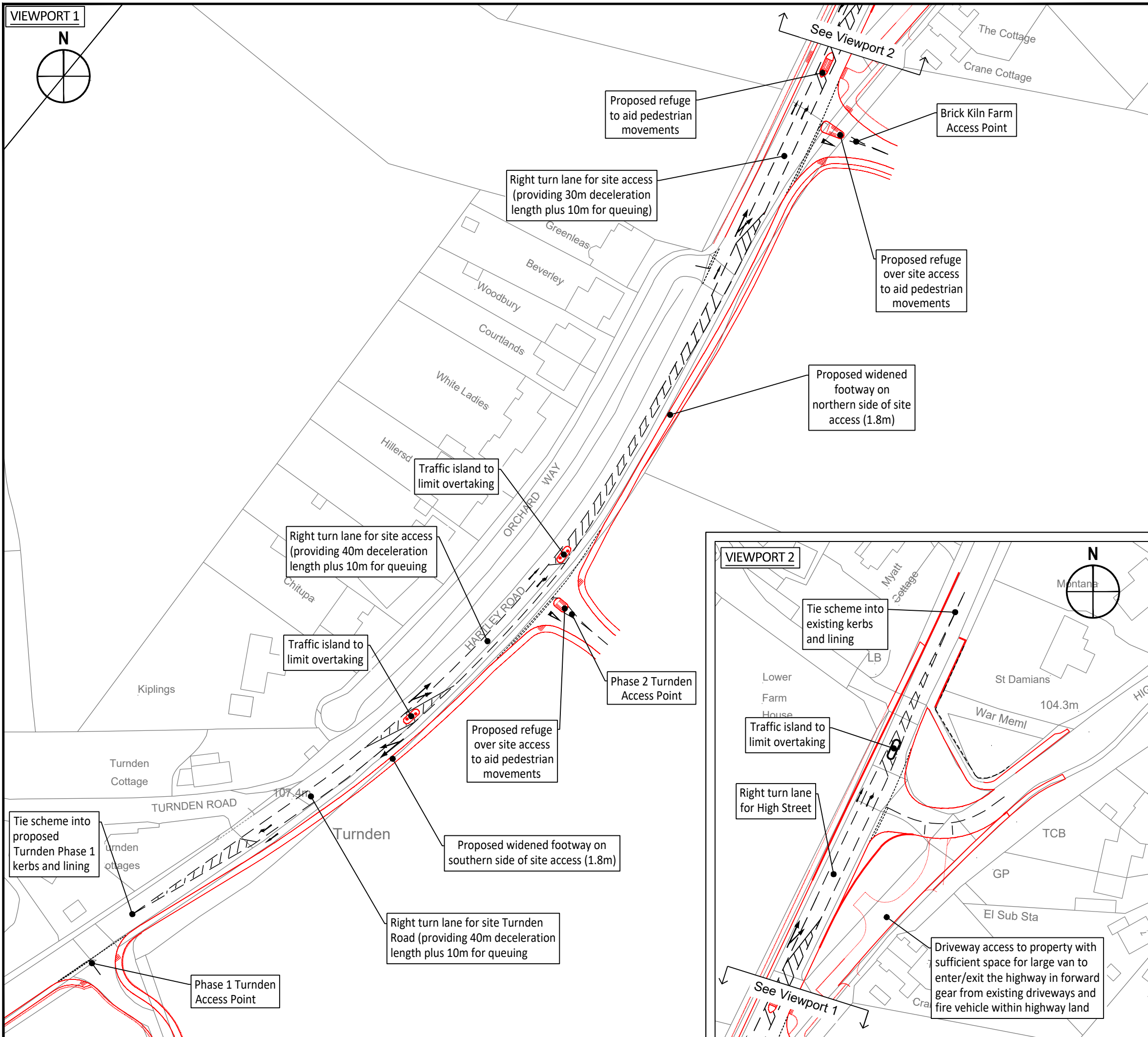
Ordnance Survey Licence number: 100057360

Drawing Revisions				Title	
Rev:	Drm:	Date:	Details	Check:	Site Access General Arrangement Plan
-	TG	24/02/2020	First Issue	TG	
A	TG	04/03/2020	Revised annotation	TG	
Client					
Berkeley Homes (Eastern Counties) Ltd					
Project					
Land at Turnden, Cranbrook - Phase 2					
Drawing Number:					
19072/001					
Scale:					
1:500 @ A1 1:1000 @ A3					
Revision:					
A					

MILESTONE
TRANSPORT PLANNING

Abbey House, 282 Farnborough Road, Farnborough, Hants, GU14 7NA
Tel: 01483 397888
Gateshead IBC, Mulgrave Terrace, Gateshead, NE8 1AN Tel: 0191 338 7220
web: www.milestonetp.co.uk

APPENDIX B



Notes:
 1. This is not a construction drawing and is intended for illustrative purposes only.
 2. White lining is indicative only.

DRAFT
 FOR INFORMATION ONLY

REV.	DETAILS	DRAWN	CHECKED	DATE

CLIENT:
Berkeley Homes

PROJECT:
Turnden Phase 2, Cranbrook

DRAWING TITLE:
Indication Location of Access Points

SCALES:
1:1000 at A3

DRAWN: CP CHECKED: JW DATE: 01.07.2021

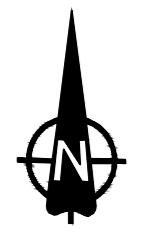
vectos.

Network Building, 97 Tottenham Court Road, London W1T 4TP
 t: 020 7580 7373 e: enquiries@vectos.co.uk

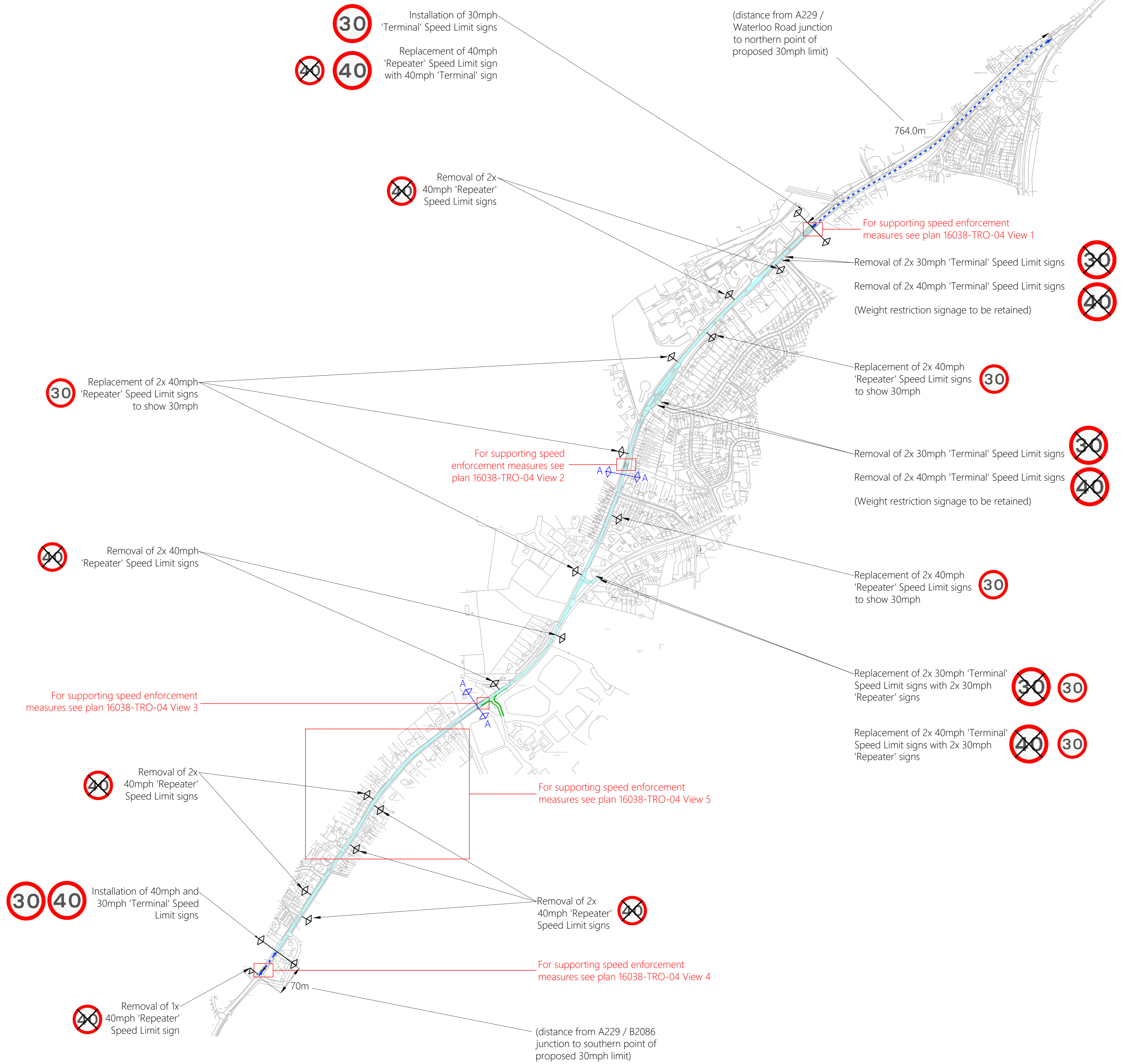
DRAWING NUMBER: **215986/PD/01** REVISION: .

NOTE: THE PROPERTY OF THIS DRAWING AND DESIGN IS VESTED IN VECTOS (SOUTH) LTD. IT MUST NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR PRIOR WRITTEN CONSENT.

APPENDIX C



INDICATIVE



Notes

Subject to the implementation of planning application ref: TW/18/02571/FULL (applicant: Berkeley Homes Eastern Counties Limited) the central section of the TRO extents (and associated speed enforcement measures), demarcated between points 'AA' on this plan is to be delivered by others and subject to a separate TRO application.

Key

- Extent of new 30mph speed limit
- Extent of TRO and speed enforcement measures to potentially be delivered by others
- Existing OS mapping
- Proposed highway modifications (Brick Kiln Farm scheme)

Drawing Revisions

Rev	Dim	Date	Details	Check
-	CD	25/04/2018	First Issue	TG
A	CD	14/05/2018	Revised to reflect Kent CC comments	TG
B	CD	20/09/2018	Revised to extend 30mph zone	TG
C	CD	27/11/2018	Change southern 30mph zone extent	TG
D	TG	07/02/2019	Change southern 30mph zone extent	TG
E	TG	16/08/2019	Add extents of TRO to be delivered by others	TG
F	PK	08/10/2019	Repeater signs removed from lit areas	TG

Client
Charles Church South East

Project
Land at Brick Kiln Farm, Cranbrook

Title
Traffic Regulation Order Plan - Speed Limit Proposals on A229



7 Wey Court, Mary Road, Guildford, Surrey, GU1 4QU Tel: 01483 397888
Gateshead IBC, Mulgrave Terrace, Gateshead, NE8 1AN Tel: 0191 338 7220
web: www.milestonetp.co.uk

Drawing Number: 16038/TRO/01
Scale: 1:5000 @ A1, 1:10000 @ A3
Revision: F

Appendix 6 **Table of Regulation 19 Representations and Responses**

Appendix 6

Our ref 63404/01/SSL/ITL

Date May 2022

Subject Policy AL/CRS 3: Regulation 19 Representations

Reference	Name/Organisation	Summary of Representation (relevant to AL/CRS 3)	Response
1799	Mr Peter Brudenall	<ul style="list-style-type: none"> No cumulative assessment has been undertaken for the Hawkhurst and Cranbrook allocations in relation to their impact on existing infrastructure, the Flimwell Junction and Hawkhurst Crossroads. Unsustainable location for development which will not limit the need to rely on private car trips. 	<p>Impact on the Highway Network</p> <ul style="list-style-type: none"> The Transport Assessment prepared by SWECO (EiP CD ref. 3.48) assessed the cumulative impacts of the Council's proposed site allocations on all transport modes and networks and the impact on the locality. The proposed allocation's impact on the highway network has been thoroughly tested through a Planning Application and at a Planning Inquiry. The only matter of concern raised by the Highways Authority (Kent County Council) at application stage was in relation to the impact of development at Hawkhurst Crossroads. Detailed analysis has been undertaken which demonstrates that the actual impacts at this junction are modest. Nevertheless, an improvement scheme has been developed that fully mitigates the impact of development at the allocation site and leads to improvements in operation at the signals. This includes improvements for buses as well as general traffic. <p>Sustainable Transport</p> <ul style="list-style-type: none"> The scheme complies with national and local policies in relation to sustainable transport. The scheme offers transport benefits and there are no unacceptable residual impacts. Transport benefits include: permissible paths delivered through the site for the benefit of the public, improved pedestrian connections between Hartley and Cranbrook, improvements to the Turnden Lane/Hartley Road junction with a newly created dedicated right hand turn lane into Turnden Lane. The allocation site is in an accessible location. The site is well located for the access of local public transport services. It is also accessible to Cranbrook town centre. All the local facilities are within 2km of the centre of the site with the great majority being within 1.6km. This demonstrates the good location of the allocation site in relation to Cranbrook, which is accessible by walking and cycling. Within the vicinity
1492	Campaign to Protect Hawkhurst Village	<ul style="list-style-type: none"> Assessment required of impact on Hawkhurst and Flimwell junctions. Unsustainable location for development which will not limit the need to reply on private car trips. Inconsistent with para 172 of the NPPF which seeks to preserve and enhance the AONB. 	
944	Peter Williams	<ul style="list-style-type: none"> Failure to preserve or enhance AONB The impact of additional traffic @ Flimwell/ A21 junction will be considerable - there are already significant traffic build ups. 	
1833	Vivien Halley	<ul style="list-style-type: none"> An assessment should be undertaken of the cumulative impact of allocations on the Flimwell Junction, village crossroads and the increase in traffic using minor roads and lanes to avoid the congested crossroads. Not a sustainable location for development, will not limit the need to rely on private car trips in line with the NPPF 	
376	Peter Hay	<ul style="list-style-type: none"> No cumulative assessment has been undertaken for the Hawkhurst and Cranbrook allocations in relation to their 	

Reference	Name/Organisation	Summary of Representation (relevant to AL/CRS 3)	Response
		<p>impact on existing infrastructure, the Flimwell Junction and Hawkhurst Crossroads.</p> <ul style="list-style-type: none"> • Unsustainable location for development which will not limit the need to rely on private car trips. 	<p>of the site, a footway is provided along the eastern side of the A229. Footways are provided on both sides of the road approximately 400m south of the site entrance, and 250m north of the site entrance on A229 Angley Road. Along the High Street to the north east of the site, a footway is provided along the southern side of the road, and then on both sides after approximately 350m. These footways benefit from streetlighting. The nearest bus stops to the site are located approximately 300 metres to the north east of the site in the vicinity of the War Memorial. Additional stops are located approximately 450 metres to the south west of the site on the A229 Hartley Road and approximately 600m north of the site on the A229 Angley Road. These stops are served by a number of services, including school services and routes towards the built up areas of Cranbrook and Hawkhurst and further afield towards Maidstone and Tunbridge Wells.</p> <ul style="list-style-type: none"> • There are already good sustainable transport connections to Cranbrook including local walking and cycling routes and bus stops close to the site. This connectivity will be further enhanced by being able to utilise links direct to the High Street through the permitted Brick Kiln Farm site. Furthermore, in due course, additional links will be possible through the allocated Corn Hall site. • A Travel Plan will be implemented at the site, which will strongly encourage residents and visitors to use sustainable modes for their journeys both on and off site. <p>Impact on the AONB</p> <ul style="list-style-type: none"> • The impact of the proposals on the AONB has been thoroughly tested through the Local Plan process (see work by Hankinson Duckett Associates at EiP refs. 3.95 and 3.96, for example), a planning application and public inquiry, and extensive evidence has been prepared on this matter. This evidence concludes that the proposal has been carefully designed to deliver a high-quality residential scheme set within substantial green infrastructure. The scheme would not cause any material harm to landscape elements, landscape character or the general visual amenity of the area. The local AONB environment would be conserved and enhanced from a landscape and visual perspective. Therefore, the development proposals are consistent with national policy in that regard.
1582	Cranbrook and Sissinghurst NDP Steering Group	<ul style="list-style-type: none"> • The NDP Steering Group have consistently been clear that historic landscape, natural environment and built heritage are most important to them. • Housing target should be met through small scale developments which minimise harm. 	<p>Impact on Historic Landscape and Built Heritage</p> <ul style="list-style-type: none"> • Mr Miele of Montagu Evans gave extensive evidence in relation to the historic environment at the Turnden Inquiry. A summary of his conclusions are set out below.

Reference	Name/Organisation	Summary of Representation (relevant to AL/CRS 3)	Response
		<ul style="list-style-type: none"> • AECOM assessment 2017 identified harm resulting from development of the Turnden site: environmental impact, loss of ecological value, landscape and visual impact, heritage impact, coalescence between Cranbrook and Hartley. • AONB landscape should be protected from major developments • The Turnden site is one of the least suitable sites for meeting housing need. • The visual impact of the proposal has been downplayed and the development will have a significant negative impact on the landscape • The site is poorly located in terms of walking distance to facilities and services. • The site should include commercial facilities and employment space. • Crane Brook should be protected and allowed to perform essential functions. 	<ul style="list-style-type: none"> • The proposals cause no harm to the character or appearance of the Cranbrook Conservation Area, as a consequence of lack of intervisibility. The terms of NPPF paragraph 199 are met in relation to the Conservation Area. • In relation to the collection of listed buildings at Goddards Green, the application site is arguably not in their setting by reason of their orientation, spatial grouping, distance and interposition of the road and other features. In addition, there is no potential for intervisibility. • As to the historic settlement pattern the site was identified as an historic farmstead in the county survey, and on that basis did contribute to historic settlement pattern. Notwithstanding, the loss of the listed building has undermined that contribution and accordingly it is not considered significant. Likewise, the fieldscape within the site, once associated with the historic building, has been materially eroded. • On the pattern of historic settlements more generally in this part of the AONB, in the setting of Cranbrook and outlying collections of buildings, this has been eroded through development in the twentieth century. Therefore, the Application Site has such a low sensitivity to the kind of change now proposed that there is no material harm to the time depth of this part of the AONB. • Overall, there is no harm to heritage interests or the historic grain of the landscape comprising the allocation site. The allocation is consistent with national policy on the historic environment. <p>Meeting Housing Targets through Small Scale Developments</p> <ul style="list-style-type: none"> • In relation to meeting housing targets through small scale developments, in SHELAA (2021, EiP ref. 3.77), all sites have been considered regardless of size. There is a reliable and steady source of smaller windfall sites coming forward, which the Council considers is likely to continue over the new Local Plan period. Small sites assessed through the SHELAA would be captured through the windfall allowance and thus do not require allocation. • Further, it is not always practical or sustainable to deliver a significant number of homes on sites of less than 10 dwellings. Larger sites can often support a more significant package of benefits. • A review of alternative sites has concluded that there are no other suitable sites to meet the identified housing need. There is an extensive and publicly available evidence base that TWBC have been working on over many years to identify all possible, suitable locations for housing growth. That work is thorough, robust and

Reference	Name/Organisation	Summary of Representation (relevant to AL/CRS 3)	Response
			<p>comprehensive. During the Turnden inquiry, the applicant submitted an additional assessment of alternatives (see extract of Mr Slatford’s proof at Appendix 3) This discounted a number of possible alternative sites based on factors such as access, sustainability and AONB impact.</p> <p>Sustainable Transport</p> <ul style="list-style-type: none"> As discussed in further detail above, the scheme complies with national and local policies in relation to sustainable transport. The scheme offers transport benefits and there are no unacceptable residual impacts. <p>Commercial Facilities/Employment Space</p> <ul style="list-style-type: none"> There is no requirement that allocations need to include commercial facilities or employment space. <p>Impact on Crane Brook</p> <ul style="list-style-type: none"> At the recent planning inquiry, development at the allocation site was considered by landscape and ecological experts. No issue was raised regarding an adverse impact of development at this site on the functioning of Crane Brook. It is not anticipated that there would be any adverse impacts.
794	Cranbrook Conservation Area Advisory Committee	<ul style="list-style-type: none"> Promotion of reliance on cars, which will lead to congestion and pollution Coalescence between Cranbrook and Hartley Loss of green space and AONB land 	<p>Sustainable Transport</p> <ul style="list-style-type: none"> As discussed in further detail above, the scheme complies with national and local policies in relation to sustainable transport. The scheme offers transport benefits and there are no unacceptable residual impacts. <p>Settlement Pattern/ Coalescence between Cranbrook and Hartley</p> <ul style="list-style-type: none"> Development at the allocation site has been considered in detail in landscape terms by both TWBC and the landscape experts Brian Duckett and Andrew Cook at the planning inquiry (see Appendix 1). The conclusions of Andrew Cook in relation to coalescence are set out below. The hamlet of Hartley forms a small linear settlement which effectively straddles the A229 Hartley Road and exhibits development almost continuously along the length of this road up to the most northerly point just short of Goddard’s Green, a residential district at the southern end of Cranbrook. There is some limited physical separation between the southern point of Goddard’s Green and the northern point of Hartley which maintains a sense of separation to provide separate identity for Hartley.

Reference	Name/Organisation	Summary of Representation (relevant to AL/CRS 3)	Response
			<ul style="list-style-type: none"> • The Brick Kiln Farm parameters plan has been carefully designed to respect and maintain this sense of separation by setting its residential neighbourhoods back from the most northern residential properties of Hartley, with a physical separation distance similar to that which currently exists along the A229. This area of physical separation would remain permanent through the provision of strategic open space which would front onto the Hartley Road. Similarly, the consented Phase 1 development residential area is also set downslope and located some distance from the Hartley • Road and its frontage housing. The proposed development at the allocation site, similarly, would maintain and respect the separation between Cranbrook and Hartley. The proposed residential neighbourhood would be set downslope some distance from the A229. All the land within the site adjacent to the A229 would form strategic open space as grassland and meadows with proposed woodlands which upon establishment would further reinforce a sense of physical and visual separation with Hartley to the southwest. The physical separate identity of Hartley would continue to remain and prevail with the allocation development in place, as the latter would not cause any actual coalescence. <p>Loss of Green Space and AONB Land</p> <ul style="list-style-type: none"> • The impact on the AONB has been discussed above. • The proposed development at the allocation retains over 80% of the application area as green infrastructure, designed in accordance with the AONB Design Guide, and designed to work with the built areas with regard to the AONB Design Guide. The green corridor along Hartley Road to the north will retain a rural setting, noting that the site and Turnden farmstead are seen within the context of existing urban development at Hartley and Cranbrook.
1112	Hartley Save Our Fields	<ul style="list-style-type: none"> • There is strong local opposition to the allocation • Major development in the AONB not in line with national policy • Impact on the setting of Cranbrook, its conservation area, the AONB, the Crane Valley and the historic, rural landscape • Increased air pollution and risk to public health 	<p>Impact on AONB and Historic Landscape & Sustainable Transport</p> <ul style="list-style-type: none"> • The impact of the allocation on the AONB and historic landscape and built heritage has been set out above. • There are significant benefits arising from the allocation, primarily regarding meeting a Borough wide housing need, together with a local need and the overall benefits offered by way of mitigation which outweigh the effect on the AONB. <p>Impact on Biodiversity</p>

Reference	Name/Organisation	Summary of Representation (relevant to AL/CRS 3)	Response
		<ul style="list-style-type: none"> • Lack of analysis of local grain, texture and pattern. The development does not respect the character and historical development of Cranbrook. • Suburbanisation is out of character. • No exceptional circumstances evidenced for its development • Damage to biodiversity • Very little economic benefit to the allocation • Car centric development • Damage to ancient woodland due to insufficient buffer • Historic flooding at St David’s Bridge, the cumulative effects of the impact of congestion and air quality have not been taken into account • Increased risk of accidents on the A229 	<ul style="list-style-type: none"> • The allocation has the potential (as demonstrated through the planning application at the site) to deliver a significant net biodiversity gain with species rich grassland, woodland, tree and scrub planting, improving the overall existing biodiversity value of the site and green infrastructure connections. <p>Impact on Ancient Woodland</p> <ul style="list-style-type: none"> • The development proposed at this application proposes a minimum of a 15m buffer from any ancient woodland. This includes drainage features and additional and enhanced woodland edge scrub for habitat creation and ancient woodland protection. <p>Historic Flooding</p> <ul style="list-style-type: none"> • In the course of the Inquiry, a Statement of Common Ground was agreed between TWBC and the applicant, which confirms that the site is not within a flood plain. The proposal would deliver a betterment in terms of surface water run-off rates from the site through a SuDS scheme (to be secured by planning conditions). <p>Highways Concerns</p> <ul style="list-style-type: none"> • The proposed allocation’s impact on the highway network has been thoroughly tested through a Planning Application and at a Planning Inquiry. No adverse impacts in relation to accident risk were anticipated. <p>Economic Benefits</p> <ul style="list-style-type: none"> • These were clearly set out at the Call-in Inquiry and were not contested by any party.
1438	High Weald AONB Unit	<ul style="list-style-type: none"> • The principle of major development in the AONB is discussed in the AONB Unit’s submission on STR1 – The Development Strategy – and is not repeated here. • This submission focuses on the Landscape and Visual Impact Assessment carried out on potential major development sites in the AONB and the specific impacts of the proposed allocation at Turnden. • The Assessment consistently downgrades impact on the AONB. The assessment fails to acknowledge positive features at Turnden e.g. birdsong and perception of rural tranquillity. 	<p>Landscape and Visual Impact Assessment</p> <ul style="list-style-type: none"> • For the 17 draft site allocations that were initially considered to be ‘major’ (in AONB terms), an independent Landscape and Visual Impact Assessment (LVIA) was commissioned (EIP ref. 3.96). This work, carried out by Hankinson Duckett Associates, provides advice concerning the potential landscape and visual issues pertaining to each study site, as a result of the development proposed within the site allocation, in order to assist the council with their decision making. • This document was tested extensively through the recent planning inquiry where Brian Duckett of Hankinson Duckett Associates was cross examined in relation to landscape related issues. A second landscape expert, Mr Cook from Pegasus, reviewed the evidence base and provided independent evidence in relation to the allocation’s impact on the landscape. The conclusions of this work were that development at the allocation site would have a negligible impact on the visual

Reference	Name/Organisation	Summary of Representation (relevant to AL/CRS 3)	Response
		<ul style="list-style-type: none"> Detailed description of the site’s setting in the AONB. The small scale, intimate pattern of features and the landscape history is incompatible with the development of hundreds of houses. This is a fundamental issue with the proposal which cannot be overcome by following the more detailed advice on layout and buildings in the Design Guide. The allocation of the site at Turnden for 164-168 additional dwellings will not conserve and enhance the High Weald AONB but rather will have a significant detrimental impact on the purposes for which it was designated. The proposed allocation is major development which is not justified by exceptional circumstances or in the national interest as explained in the Unit’s representation on STR1. It is therefore unjustified development contrary to NPPF 172 and the allocation should be deleted from the Local Plan. 	<p>amenity of the wider AONB and would have a very limited visual effect on local views from public rights of way. Dr Miele of Montagu Evans gave detailed evidence at the call-in Inquiry in response to concerns about the historic significance of the landscape – which he did not recognise.</p> <p>Impact on AONB</p> <ul style="list-style-type: none"> The impact on the AONB is discussed above.
2204	Kent County Council (Planning and Environment)	<ul style="list-style-type: none"> The County Council requests direct reference to Public Footpath WC115 that connects Hartley Road to Swattenden and Swattenden Lane. 	<p>Public Footpath</p> <ul style="list-style-type: none"> The allocation will not have any detrimental impact to public footpaths. The proposed allocation requires improvements to the public rights of way within the site.
1489	Natural England	<ul style="list-style-type: none"> Natural England objected to the draft allocation of this site in our Regulation 18 response to the local plan. We also objected to a planning proposal for this site (20/00815/FULL) in 2020 and requested that the decision by TWBC to approve the development was called in by the Secretary of State. The proposal is now subject to a Public Inquiry which Natural England is engaged in as a Rule 6 party. Natural England considers a major development proposal at the site would result in significant harm to the AONB. We are therefore maintaining our objection to the draft allocation of this site within the local plan, consistent with both our previous advice and our response to the planning application for development at the site. 	<p>Impact on AONB</p> <ul style="list-style-type: none"> These comments have been addressed in the above discussion regarding impact of the allocation on the AONB. It is concluded that the allocation would not cause any material harm to the AONB.

Reference	Name/Organisation	Summary of Representation (relevant to AL/CRS 3)	Response
1215	Southern Water Services PLC	<ul style="list-style-type: none"> • Southern Water is the statutory wastewater undertaker for Cranbrook • The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure. • Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of flooding unless the requisite works are implemented in advance of occupation. • Our assessment has revealed that Southern Water's underground infrastructure crosses this site. This needs to be taken into account when designing the site layout. Easements would be required, which may affect the site layout or require diversion. • This site incorporates Southern Water's Turnden Cranbrook Pumping Station (WPS). In order to mitigate any noise and/or vibration generated by its essential operation, a 15 metre gap between the pumping station and any residential dwelling would be required. 	<p>Water Infrastructure</p> <ul style="list-style-type: none"> • The issue of water infrastructure was not raised as an issue at the application or inquiry stage. • Any required improvements to the local sewerage infrastructure could be secured via planning condition. • Southern Water's underground infrastructure is accommodated within the site layout.
1823	Taylor Wimpey UK Ltd	<ul style="list-style-type: none"> • The development of Site CRS3 would continue built form substantially south west of Cranbrook and the existing adopted allocation to the immediate north east of the site. • The cumulative impact of both these sites would be the substantial sprawl of Cranbrook south westwards away from its core, eroding the sense of separation and separate identities of Cranbrook and Hartley. • Development in the eastern part of the site would also be highly visible from the public footpath to the south, which currently experiences open rural views across this area. 	<ul style="list-style-type: none"> • The issues of settlement pattern, potential coalescence and landscape visual impact have been discussed above.

Reference	Name/Organisation	Summary of Representation (relevant to AL/CRS 3)	Response
		<ul style="list-style-type: none"> • We respectfully recommend the benefits of allocating Site 25 be reassessed, as a suitable, logical and sustainable site for around 70 homes, either in addition to CRS3 or in place of part of this (noting some is already now consented for 36 units). • We contend that Site CRS3 is not justified for allocation at the expense of Site 25, which scores more favourably in the SA process as a reasonable alternative site. For avoidance of repetition, see our comments in relation to Legal Compliance matters above. 	

Appendix 7 **Closing Statement of Berkeley Homes (Eastern Counties) Ltd**

**TURNDEN, LAND ADJACENT TO HARTLEY ROAD
CRANBROOK, KENT**

**CLOSING STATEMENT OF THE APPLICANT
BERKELEY HOMES (EASTERN COUNTIES) LTD**

Introduction

1. This called-in application¹ for the construction of 165 high quality new homes, 40% of which would be affordable (“**the Development**”) is:
- (i) on a site which it is agreed is in an accessible location, having regard to local bus routes, schools, shops and services²;
 - (ii) on a site that has been allocated in the emerging Local Plan following an exhaustive and comprehensive search for sites;
 - (iii) proposed by an Applicant which has a well-established track record for delivering high quality developments locally³; and
 - (iv) supported by TWBC (both by its officers and its members) after a process of lengthy and careful consideration⁴

The Site

2. The Site sits directly adjacent to the revised settlement boundary of Cranbrook and to the consented Brick Kiln Farm (“**BKF**”) ⁵ scheme. The Site wraps around the consented scheme for Turnden Phase 1 (“**TP1**”).⁶ Evidence at the inquiry has considered the plans for the development of BKF⁷ and TP1⁸ and we emphasise how the three are being designed to be read together, with connections permeating

¹ Tunbridge Wells Borough Council (“**TWBC**”) resolved to grant permission subject to conditions and the completion of a s. 106 agreement. Natural England (“**NE**”), one of the objectors to this inquiry, then asked the Secretary of State to call it in. See CD9.01 at section 1.0.

² See CD9.20 para. 3.16.

³ Mr Pullan PoE CD23.1.3 para. 2.2.

⁴ Mr Slatford PoE CD23.1.5 para. 6.30.

⁵ CD18.4, and see Mr Pullan PoE (CD23.1.3) p.13. See too the parameters plan at ID9 p. 16.

⁶ Mr Pullan PoE (CD23.1.3) p. 11 Fig 2.

⁷ ID9 p. 16-17 and Mr Pullan EIC Day 1 PM.

⁸ Mr Pullan PoE pp. 18-19, ID9 p21-22.

throughout that area and synergies in open space connections.⁹ The Site is bounded to the north-west by the A229 - which all accept is a busy road. The Site is also contained on that same side by the ribbon development that makes up Hartley¹⁰ and including some more recent backland development that directly abuts and overlooks the Site .¹¹

3. While the Site was once, a farmstead, surrounded by small-scale irregularly shaped fields¹² that is no longer the case.¹³ The farmhouse sadly burned down, has been de-listed and is itself to be redeveloped for additional housing.¹⁴ It is common ground between the Applicant and TWBC that no farmstead remains.¹⁵ There has been extensive discussion at this inquiry about whether any historic fieldscape remains legible on the Site, and if so its degree of intactness. We say it is no longer legible – or putting the contrary case at it’s very highest, all that is left are some limited remnant boundaries which are extraordinarily difficult to discern.¹⁶In this we are supported by a range of experts looking at this through a variety of

⁹ Mr Pullan EIC Day 1 PM and ID9 p. 16-18. Some questions were raised about the delivery of the linkages between these sites, and in particular the alleged “Ransom Strip” pointed out by CPRE in their document at ID55. The linkages generally are secured through conditions on the BKF outline permission and will be further secured through the reserved matters application: see Mr Hazelgrove PoE (CD23.2.1) paras. 4.15-4.17. As to the alleged Ransom Strip, the response is fourfold. (1) the issue affects at the very most one out of four routes as confirmed by Mr Slatford (EIC Day 16 AM 2) and as is evident from the plan at ID60 and ID61. (2) as Mr Hazelgrove made clear TWBC would be willing to compulsorily acquire the land if necessary: Mr Hazelgrove EIC Day 15 AM 2. (Mr Wotton suggested that not knowing the identity of the owner may slow this down or prove an impediment. That is not so – CPO procedures – both for making the Order and then acquiring the land - can easily deal with unknown owners, as is made clear in the extracts from *Denyer-Green* at ID67). (3) the unregistered land is not within the application red line, but is within the BKF red line: ID60, ID61. (4), there is a condition imposed on the BKF outline planning permission dealing with connectivity and a further condition is proposed on the reserved matters application: see Mr Hazelgrove PoE (CD23.2.1) para. 4.17.

¹⁰ ID9 p. 13-14.

¹¹ Mr Pullan PoE (CD23.1.3) p. 20 and see the boundary photographs in Mr Pullan PoE (CD23.1.3) p. 30-31, ID9 p. 15.

¹² Mr Pullan PoE (CD23.1.3) p. 24-25.

¹³ Mr Pullan EIC Day 1 PM and ID9 p. 31-32.

¹⁴ See the latest permissions at ID58 and ID59.

¹⁵ CD9.1 para. 7.76. And see the evidence of Mr Cook (AC EIC Day 5 PM 1), Mr Duckett (XX Day 4 PM 2), Dr Miele (Day 8 AM 1, RX Day 8 PM 1). And Ms Salter (EIC Day 7 AM 2). See too CD16.24 para. 3.25 which recognises this farmstead as “LOST”.

¹⁶ Mr Duckett and Mr Cook agreed that, on a scale of 1-10, as to degree of intactness the number would be about 2. Mr Cook further qualified this by noting that the position of the hedgerows do not enclose the old field enclosures identified on historic maps. See e.g. Mr Cook EIC by Mr Byass Day 6 AM 1.

disciplinary lenses.¹⁷ Moreover, the LUC sensitivity study in 2018 records in relation to the Site “[p]ost-Medieval consolidated strip fields are noted in the HLC around Turnden, but these are now equestrian paddocks and do not form part of any recognisable historic landscape”¹⁸ The Site is currently made up of derelict horse paddocks.¹⁹ Moreover, a number of the historic buildings that made up the farmsteads in the wider locality have also gone.²⁰ Ms Farmer, giving evidence on behalf of NE, agreed that all the field boundaries in the large field to the south-east have gone, and accepts there has been at least “some loss” of the field boundaries in the northern area of the Site, the Development Area (“DA”). However she suggests that the field boundaries in the DA are to some extent ‘still legible’.²¹ Ms Marsh is the furthest outlier, suggesting the field boundaries in the Site are “Historic” and “have remained unchanged since the 1830s”²² and/or for the past 400 years²³ and/or are medieval²⁴. We say that the various character maps on which these assertions are based are without any proper evidential foundation.²⁵

4. The final pertinent point to the Site ‘as is’ is what could the Applicant do if permission is refused. As Mr Slatford and Mr Hazelgrove have confirmed, it could allow non-commercial horse grazing to be undertaken on site, introducing ticker

¹⁷ See the evidence of Mr Pullan (RX Day 1 PM 2), Mr Cook (AC PoE 3.12, LEMP Fig 1 Phase 1 Habitat Plan (CD4.4 and 4.12) and Mr Cook (RX Day 6 PM 1); Mr Duckett (BD EIC Day 4 PM 1, Day 4 PM 2 in which he suggested one would be “hard-pushed” to see internal hedgerows and that one is “certainly not seeing field patterns defined by hedgerow” and see his map regression analysis at ID16 p. 8); and Dr Miele (EIC Day 8 AM 1).

¹⁸ CD12.22, p. 125, emphasis added.

¹⁹ Mr Pullan EIC Day 1PM, Mr Cook PoE (CD23.1.7) para. 5.1.

²⁰ Mr Cook EIC Day 5 PM, ID21 p13, and see also CD12.22 “Five historic farmsteads are recorded in the sub-area, but only two of these have historic buildings remaining”, one of these two was Turnden Farmhouse that has now also since gone.

²¹ Ms Farmer XX by Mr Maurici Day 2 PM 1.

²² CD5.7.15, p. 2.

²³ Day 4 AM 1.

²⁴ CD16.04, which is the updated character maps published by the AONB Unit. These purport to show: (1) the fields in the DA and in BKF to be medieval and (2) the other fields in the WLH being still likely to contain medieval and other features. The detailed, thorough and compelling evidence of Dr Miele (both written and oral) wholly fails to bear this out.

²⁵ Mr Cook EIC Day 5 PM 2.

tape, electric fencing and even temporary horse boxes, further fragmenting the fields.²⁶ As Mr Slatford confirmed, that is what the Applicant would seek to do.²⁷

Design

The Development

5. Only one (very experienced)²⁸ professional witness was called to give evidence on design matters, and that was Mr Pullan.²⁹ The strength of his evidence was, we say, wholly reinforced following its testing in XX by Ms Tester and Mr Wotton.

6. What we have here, fundamentally, is a very, well designed and completely bespoke scheme.³⁰ The design, developed by OSP architects, has been informed by the comments not just of the immediate 'team', but also the responses of 27 wider consultees including Kent Wildlife Trust, Kent Police, and NE itself.³¹ Close attention has been paid to the pattern, grain character, and appearance of existing development at Cranbrook and Hartley,³² and the design has been developed in multiple iterations³³ after a thorough review of the Site's constraints and opportunities.³⁴ This process has resulted in a scheme which complies with the requirements of national, regional and local planning policies and design guides, most importantly the AONB Design Guide ("**AONB DG**").³⁵

7. The development can be conveniently split into two parts: the DA (39.43% of the Site) and Wider Land Holding ("**WLH**") (the remaining 60.57%)³⁶.

²⁶ Hazelgrove EIC Day 15 AM 2; Slatford EIC Day 16 AM 2.

²⁷ There would be no reason, contrary to some suggestions, for the Applicant to manage the Site for conservation purposes or deliver significant planting proposals absent the development.

²⁸ See Mr Pullan PoE section 1.0.

²⁹ That of course did not stop others, such as Ms Marsh, venturing a (somewhat scathing and we say entirely unsupportable) opinion on the design. Everyone's a critic.

³⁰ Mr Pullan EIC Day 1 PM session.

³¹ Summarised Mr Pullan PoE (CD23.1.3) p. 8; ID9 slide 5 and EIC Day 1 PM session.

³² Mr Pullan PoE (CD23.1.3) p.21-27 and see the DAS CD1.3.3.

³³ Mr Pullan PoE (CD23.1.3) p. 40-43 and further amendments outlined on p. 45; outlined by Mr Pullan in EIC (Day 1, PM).

³⁴ Mr Pullan PoE (CD23.1.3) p. 38-39, ID9p 37.

³⁵ Mr Pullan PoE summary section 1.0. The relevant design guides are summarised at Mr Pullan PoE pp. 33-36.

³⁶ CD9.1. Para 5.4.

8. The DA is 9.4ha, of which only 4.7ha will be occupied by built form³⁷ with the rest of the DA being high quality open space. The majority of buildings will be 2 storeys, with some 2.5 storey elements in the three apartment buildings (though this is confined to the core of each building).³⁸ There are, broadly, three areas: the Green (representative of the central and historic core of Cranbrook), The Yards (the central Courtyards being composed of buildings with simple forms and materials drawing on the farmyard aesthetic), and the Rural Village Edge (a low-density area fringing the edge of development, with outward looking faces that draw on precedents from local villages in terms of property spacing, material and style).³⁹ And pausing there, it will be recalled that, the affordable housing will not be qualitatively different, or look different, from the market housing.⁴⁰ Access will be taken from a new dedicated priority junction from the A229, with further off-site highway works being proposed in the form of a right-hand ghost land into Turnden Lane.⁴¹ We accept, of course, that there are proposals to widen both the northern and southern footways along the A229, but these tie into what is already consented for both the BKF development and TP1.⁴²
9. The WLH features extensive amounts of enhanced green and blue infrastructure. A naturalistic open space buffer along the A229 will lead to a central village green used for informal recreational purposes.⁴³ A multi-functional east to west green corridor with retained trees and hedgerows will connect the open spaces within TP1, accommodating natural exploratory play, drainage features and both existing and new proposed vegetation. A landscape buffer in excess of 15m from the ancient woodland is proposed along the south-eastern boundary, which would

³⁷ It features roads and 165 new homes (varying between 1 and 2 bedroom flats and 2, 3, 4, and 5 bedroom houses) in the quantum and densities, scale and massing outlined in detail by Mr Pullan in EIC.

³⁸ Mr Cook PoE (CD23.1.7) para. 5.12.

³⁹ Mr Cook PoE (CD23.1.7) para. 5.13.

⁴⁰ Cf some of the other development in the area- such as the backland development: ID9 p. 15, 46 and Mr Pullan EIC Day 1, PM.

⁴¹ Mr Cook PoE (CD23.1.7) para. 5.3-5.9.

⁴² Mr Cook PoE (CD23.1.7) para. 5.10.

⁴³ We ask you to look again at the visualisation in ID21 p. 15, which begins roughly from the start of the newly reinstated Tanner's Lane .

also include drainage features and additional and enhanced woodland edge scrub for habitat creation and ancient woodland protection.⁴⁴ The WLH also features the creation of a Species Rich Grassland, a reinstated woodland shaw, a reinstated watercourse, a reinstated historic route namely Tanners Lane, the recreation of a number of historic hedgerow boundaries, new permissive paths, and pastoral livestock grazing.⁴⁵ All this landscaping and its management will, of course, be managed through the LEMP in perpetuity with the likely involvement of KWT.⁴⁶ There will be, of course, some changes to the topography of the Site to accommodate the earthworks – but as Mr Pullan outlined this is not only a sustainable approach, but will lead to minimal noticeable change.⁴⁷ Overall, we re-emphasise that throughout all this development, less than 20% of the Site is actually being built on – 80% is retained and *enhanced* landscape infrastructure⁴⁸. Compare that to the neighbouring approved BKF which has both less landscape infrastructure (57%) such that the development is correspondingly denser.⁴⁹

Assessment

10. Mr Pullan's proof has pulled together the key references in design related policies in all relevant documents, against which he has assessed the Development, and set that out in an easy to follow manner under the themes encapsulated in the AONB DG: (i) response to context, (ii) making a place, and (iii) the right details.⁵⁰ Mr Pullan's detailed and careful analysis merits re-reading in full, and we cannot go through everything. However, we highlight the following three points.

11. First, the design of this development responds to its context.⁵¹ Landscape and setting have been primary considerations in developing the current design,⁵²

⁴⁴ Mr Cook PoE (CD23.1.7) paras. 5.3-5.6.

⁴⁵ ID9 para. 49, Mr Cook PoE (CD23.1.7) paras. 5.15-5.16.

⁴⁶ CD4.4 and CD4.12.

⁴⁷ Mr Pullan PoE pp. 56-57. The views of the various landscape witnesses are dealt with below.

⁴⁸ Mr Pullan EIC Day 1 PM.

⁴⁹ BKF's permission is for 180 homes on a site of 12.2ha. See Mr Pullan PoE 3.10 and the Fig 4 parameters plan.

⁵⁰ Mr Pullan PoE (CD23.1.3) p. 54- 74; the AONB DG is CD12.15.

⁵¹ See ID9 p. 51.

⁵² Mr Pullan PoE (CD23.1.3) p. 54, DAS and DAS Addendum CD1.3.3 and CD3.2.

which we say is self-evident from the opportunities taken to, for example, reintroduce woodland shaw. In a similar way, the historic settlement pattern and landscape character can be seen in, for example, the reintroduction of medieval field pattern in the WLH, and the extensive green buffer separating development from both the A229 and Hartley itself.⁵³ Cut and fill has been minimised,⁵⁴ with a wildflower meadow growing in the area where soil has been sustainably retained on Site.⁵⁵ The possibility of views both through and out into the countryside has been built into the very fabric of this design – whether that is in the spacing of the buildings, the retention of existing buildings, or the new paths created.⁵⁶ This was challenged principally on two bases in XX:

- (i) There was some (albeit rather faint) suggestion that the development failed to respond to its context because it would undermine TP1 and the vision for that development to be an isolated farmstead surrounded by countryside.⁵⁷ This point was made several times in both the design and landscape sessions but we deal with it here. It is flawed in three ways:
 - a. First, it proceeds on a false premise – TP1 is not a farmstead, the 36 home scheme was simply designed in a farmstead style.⁵⁸ No one can seriously suggest that a 36 home scheme is a farmstead. Now, of course, permission has been granted for a further 3 homes.⁵⁹
 - b. Second, as was put to Ms Farmer in XX, if TWBC had sought to keep TP1 surrounded on all sides by fields, it could have done so via a s. 106 agreement as the Applicant owns these. Not only did it not do so, but the Officer’s Report (“**OR**”) makes clear that TWBC saw, on TP1’s north-eastern side, a strong relationship between TP1 and land allocated for

⁵³ Mr Pullan PoE (CD23.1.3) p. 55, Mr Pullan EIC Day 1 PM.

⁵⁴ Mr Pullan EIC Day 1 PM and ID9 p. 54 – the increase is minimal, 460mm with a feathered edge.

⁵⁵ Mr Pullan PoE (CD23.1.3) p. 56-57.

⁵⁶ Mr Pullan PoE (CD23.1.3) p. 58, Mr Pullan EIC Day 1 PM.

⁵⁷ Tester XX of Mr Pullan Day 1 PM, and see Ms Farmer XX by Mr Maurici Day 2 AM 2.

⁵⁸ See the OED definition of Farmstead: “plot of farmland and the buildings upon it; a homestead; a farmhouse and its adjacent outbuildings.” This is Mr Duckett’s view – XX by Mr Byass Day 4 PM 2.

⁵⁹ ID58 and ID59.

development at BKF.⁶⁰ It was only the southern side where there was perceived to be a relationship with open countryside⁶¹, and this is not only unaffected by the Development, but it is only the Development that offers a way to maintain that in perpetuity.⁶²

c. Third, the rural setting to TP1 has been considered and maintained on every side bar where it immediately adjoins the DA, and that is where the OR on TP1 saw there being a strong relationship to BKF and the edge of the settlement of Cranbrook.⁶³

(ii) There was further suggestion that the design team should have 'pushed back' and considered quantum of development as the first stage in the process. However, as Mr Pullan pointed out in evidence, neither the AONB Management Plan ("**AONB MP**") nor AONB DG prescribes the scale of development that is appropriate to the AONB.⁶⁴ Moreover, the quantum of development proposed here has been influenced by the allocation in the emerging Local Plan, and this is itself landscape led and supported by the Hankinson Duckett Associates ("**HDA**") *Tunbridge Wells - Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB* (November 2020)⁶⁵ (the "**HDA LVIA**"). In short, as Mr Slatford told you having heard *all* the evidence in this inquiry - the quantum of development here has been landscape led, considering the policy, draft allocation, and impact.⁶⁶

⁶⁰ Indeed Mr Hazelgrove in EIC (Day 15 AM 2) has confirmed that TP1 was not dependant on wider land being undeveloped.

⁶¹ Day 2 PM 1. See CD18.2 (the TP1 OR) paras. 10.12, 10.125, and 10.128. Ms Farmer was wholly unable to suggest any paragraphs in the OR which said differently.

⁶² CPRE, late in the day, suggested it was not satisfied the LEMP would be secured "in perpetuity". However following discussions at the conditions/s. 106 session (Day 17 AM 1) Mr Wotton confirmed CPRE was so satisfied.

⁶³ Mr Duckett agrees, XX by Mr Byass Day 4 PM 2.

⁶⁴ Mr Pullan RX, Day 1 PM and see Mr Pullan PoE (CD23.1.3) para. 1.33. Ms Farmer, in XX by Mr Maurici Day 2 AM 1 suggested there is a general inchoate 'preference' for smaller scale development. However, the fact is that neither document sets a limit. Moreover, the AONB MP emphasises the need for affordable housing in the High Weald and smaller sites will not deliver this. See Mr Slatford PoE (CD23.1.5) para. 6.37.

⁶⁵ CD14.3.9.

⁶⁶ Slatford EIC Day 16 AM 2.

12. Second, fundamentally, the development creates a highly desirable place to live.⁶⁷ Though separated from the A229 through a generous landscape buffer, connections are established through and beyond the Site, integrating the development into both the landscape and urban context.⁶⁸ The Site is permeable (with few – if any- dead ends) and is connected by legible routes in a clear hierarchy, which run through houses that are placed to work with the topography of the area rather than against it, all in a framework which is very, very green.⁶⁹ We would particularly like to draw attention to those green spaces that are immediately adjacent to the development area - as these are multifunctional, providing a place to walk, to gather, and as interlinking systems for both wildlife and landscape.⁷⁰ This is all complemented by the placement of the buildings in the DA. They have a clear relationship to the street, landform and green corridors, supporting the street hierarchy while simultaneously providing active edges.⁷¹ Care has been taken to create homes which are just right. Designs and materials have been selected which reflect the local grain and development pattern in the area, which are massed and spaced to reinforce the High Weald character in a manner which is clearly related but variable enough to be interesting. The traditional and older Kent vernacular is evidently an influence here.⁷²

13. Ms Marsh (who purports to have assessed the proposals against the AONB DG but without providing a full or even summary analysis of the same)⁷³ suggested that this was “a generic residential housing estate”⁷⁴ imitating the post-war

⁶⁷ See ID9 p. 57 for the policies and guidance on place-making.

⁶⁸ Mr Pullan PoE (CD23.1.3) p. 59.

⁶⁹ Mr Pullan PoE (CD23.1.3) p. 60.

⁷⁰ Mr Pullan PoE (CD23.1.3) p. 59-62.

⁷¹ Mr Pullan PoE (CD23.1.3) p. 63.

⁷² Mr Pullan EIC PM 1, and see for some examples ID9 p. 26, 33.

⁷³ Ms Marsh PoE (CD23.4.1) para.3.2; Ms Marsh XX by Mr Maurici Day 4 AM 1.

⁷⁴ Ms Marsh PoE (CD23.4.1) para.10.2, Ms Marsh XX by Mr Maurici Day 4 AM 1.

housing,⁷⁵ that Mr Pullan had sought to justify the Development by reference mainly to the 1970s estate, and that there was no development story.⁷⁶ However:

- (i) An even glancing acquaintance with the Development design would demonstrate exactly how (a) absurd those suggestions are, and (b) devoid of all perspective Ms Marsh and the AONB Unit have become. The influence of buildings on High Street Cranbrook, Horsley Place, Waterloo Road, and Crane Cottage are clearly evident in what is proposed.⁷⁷ Fundamentally these are well-designed buildings.⁷⁸ The AONB's case on these matters, like much of the rest of its case, can be fairly characterised as extreme and devoid of any merit whatsoever.
- (ii) It must be remembered that Ms Marsh has failed to outline any summary or detailed analysis or methodology of the proposals against the AONB DG (nor indeed the Kent Local Design Guide, National Design Guide ("NDG") or sections of the NPPF which deal with design). These failings are fundamental. Her comments on the Development being a generic residential housing estate are thus without any justification and should be accorded no weight.⁷⁹
- (iii) Given that the AONB Unit seem to be objecting in principle to any major development, we are unclear what, if any, difference that makes to their case.

14. Third, and as if the foregoing were not enough, the close eye for detail for which this particular Applicant is well known has been deployed to full effect here. On the face of the homes, details such as clay and slate tiled roofs, rust and russet tile hangings, open eaves and simple porch canopies reinforce the existing High Weald

⁷⁵ Ms Marsh PoE (CD23.4.1) para.6.11 XX by Mr Maurici Day 4 AM 1. See, too, other criticisms such as Ms Marsh PoE (CD23.4.1) para.9.6.

⁷⁶ See e.g. Ms Marsh PoE (CD23.4.1) para.9.6 and Ms Marsh XX by Mr Maurici Day 4 AM 1. Mr Pullan pointed out in EIC that the 1970s estates are characterised by semi-detached houses and cul-de-sacs (EIC Day 1 PM). The development however has minimised both cul-de-sacs and semi-detached dwellings – see Mr Pullan PoE (CD23.1.3) p. 60, p. 64.

⁷⁷ Mr Pullan PoE (CD23.1.3) p. 26, 64-65.

⁷⁸ See e.g. Mr Pullan PoE (CD23.1.3) p. 64-65.

⁷⁹ Ms Marsh XX by Mr Maurici Day 4 AM 1.

character. This classic vernacular pattern complements the integrated sustainability benefits of the properties, with new homes being designed to include sufficient space, facilities and connections to enable working from home in accordance with the Code for Sustainable Homes.⁸⁰ The streetways use simple surface materials, reinforcing the palette to be used at TP1, while the lighting solutions have been designed to maintain safety and security while minimising light pollution and any impact on wildlife. Not only that, but the solutions chosen for the green infrastructure incorporates native planting schemes, using traditional land management skills and maximising opportunities to support characteristic wildlife.⁸¹ We will, of course, come back to this in the ecology section.

15. Each of these points, Mr Pullan says, demonstrates compliance with all relevant policy and guidance. In the name of brevity we do not recite them here but they are detailed in his proof of evidence and we can do no more than commend his conclusion to you. When all of this is taken together we can but re-emphasise that all of the design details show this is the right scheme and, we say, in the right place.

Landscape and visual issues

16. Landscape and visual issues have (rightly) been considered at length at this inquiry. The Site is in the AONB and so such matters deserve, and have received, careful consideration⁸². In addition to the LVIA provided with the application,⁸³ the landscape impacts have been considered within the HDA LVIA,⁸⁴ and by the TWBC Landscape Officer⁸⁵ and case officer⁸⁶. Moreover, evidence was heard from Mr Cook, Mr Duckett, Ms Farmer and Ms Marsh. We rely on the evidence of Mr

⁸⁰ Mr Pullan PoE (CD23.1.3) p. 71.

⁸¹ Mr Pullan PoE (CD23.1.3) p. 72-73.

⁸² Given that the Development is “major development” for the purposes of para. 177 of the NPPF one of three mandatory considerations is “any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”. There is also no dispute that “[g]reat weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues” (ibid).

⁸³ CD5.7.1 and 5.7.2.

⁸⁴ CD14.3.9.

⁸⁵ CD6.14.1 and CD6.14.2.

⁸⁶ CD7.1.

Cook – though note that he and Mr Duckett have undertaken similar analyses and reach similar conclusions - and it is through the lens of Mr Cook’s analysis that we will proceed through this section. Mr Cook has very clearly set out three key points in both his proof and re-emphasised the same in his oral evidence.⁸⁷ They are, in summary:

- (i) That the DA, being occupied by housing that is in keeping with the general vernacular one sees in Cranbrook, and being fully in accordance with the AONB DG, would have a neutral rather than adverse effect;⁸⁸
- (ii) That the remainder of the Site, including the WLH and other green infrastructure would have a clearly beneficial landscape and visual effect.⁸⁹ In this, he was joined by both Mr Duckett and, following XX, Ms Farmer.⁹⁰
- (iii) Overall, therefore, the Development’s effects are neutral to beneficial with regard to both landscape character and visual amenity.⁹¹

Methodologies and underlying assumptions

17. The LVIA sets out its methodology and we note Ms Farmer expressly said she took no issue with it. ⁹²

⁸⁷ Mr Cook PoE (CD23.1.7) para. 2.13ff, Mr Cook EIC Day 5 PM Session 1.

⁸⁸ Mr Cook PoE (CD23.1.7) para. 2.17. See also Mr Cook XX by Ms Tester Day 6 where he said the AONB DG says that in terms of views of residential properties they should be good enough to be seen – i.e. not harmful on the eye. His view was that there was nothing detracting in relation to the residential properties that follow the AONB DG. If the view is taken that the proposed housing is fully in accordance with the AONB DG and thus not unduly harmful on the eye, seeing such residential properties in the landscape along with TP1 and BKF and in the same sequential viewing experience appreciating Cranbrook, will not be out of character its in character, particularly in the settled landscape, and so is neutral and not harmful. Ms Marsh accepted that seeing built development in the AONB is not necessarily problematic, e.g. when viewing BKF from the footpath in the WLH: XX by Mr Maurici Day 3 PM 2.

⁸⁹ Mr Cook PoE (CD23.1.7) para. 2.17.

⁹⁰ Mr Cook EIC Day 5 PM session 1.

⁹¹ Mr Cook PoE (CD23.1.7) para. 2.17.

⁹² Ms Farmer PoE (CD23.5.1) para. 97, Ms Farmer XX by Mr Maurici Day 2 AM 2. Though she does seek to draw a line between suggesting it can help the inspector (which she accepts) but simultaneously arguing that she does not accept it can be ‘relied on’ as she has suggested it has some shortcomings. We deal with those elsewhere but submit this is a distinction without a difference. We also note that to Ms Farmer’s credit she has in fact engaged with the LVIA. Prior to her involvement NE took an absurd position, objecting in principle to major development in the AONB while wholly failing to engage with the LVIA and any assessment of harm: CD6.12.1 p. 3, Annex A.

18. Both Mr Cook and Mr Duckett outlined their methodologies in their proofs. We do not understand Ms Farmer to have taken any serious issue with those approaches. Some criticisms were made by the AONB Unit, but we submit they were all demonstrably flawed and we don't intend to waste time with them today. We deal with them in a footnote.⁹³
19. Ms Farmer did not outline her methodology, and we will highlight below some issues this raises.⁹⁴
20. And so we must come to the evidence of Ms Marsh. She of course gave both ecology and landscape evidence and it is worth dealing with some points up front. Ms Marsh is, in many ways – in both fields – a complete outlier, as you will have seen. In XX we termed this “Ms Marsh against the world”. Ms Marsh’s evidence, at the very least, gave a strong appearance of being coloured and devoid of any degree of impartiality. By way of possible explanation we highlight:
- (i) As Ms Marsh made clear in XX, the AONB Unit will oppose all major development in the AONB,⁹⁵ notwithstanding NPPF para. 177. This we say is a wrong approach in principle.
 - (ii) Ms Marsh lives in Hartley and within a mile (being generous) of the Site.⁹⁶ This raises the potential for a perceived conflict of interest – as even Ms Marsh on reflection acknowledged⁹⁷ – and is a situation experienced professionals should seek to avoid.⁹⁸

⁹³ There was some challenge to Mr Cook on the basis that he had not outlined both visual receptors and landscape receptors. An even passing familiarity with his proof demonstrates how wrong that is. Landscape receptors are discussed in sections 6 and 7 and 11 of Mr Cook’s PoE, visual effects are discussed in sections 8 and 9. It was next suggested that he had not complied with para. 3.26 of GLVIA (CD16.01). Again, he showed he had. It was next suggested that he erred in not providing tables. He explained that earlier paragraphs in GLVIA guard against the over-use of tables or matrices and that a narrative is preferred. For all see XX by Ms Tester Day 6 AM 2.

⁹⁴ Ms Farmer XX by Mr Maurici Day 2 AM 2, where she suggested she had done an LVIA because she is an experienced professional, familiar with GLVIA, the Site and documentation, who has visited and provided a narrative assessment so has “undertaken the process of evaluating the effects”.

⁹⁵ Ms Marsh XX by Mr Maurici Day 4 AM 1.

⁹⁶ Ms Marsh XX by Mr Maurici Day 3 PM 2.

⁹⁷ Ms Marsh XX by Mr Maurici Day 3 PM 2.

⁹⁸ Mr Cook EIC Day 5 PM 2.

- (iii) Ms Marsh stated that she was able to keep the personal and professional separate. However, as Mr Scully highlighted the AONB Unit has appeared at appeals for development near Hartley – this case, the Hartley Gate appeal, and also the BKF allocation examination hearing, for example – but not at inquiries such as Hawkhurst Golf Club which concern many of the same issues⁹⁹ - (but is not close to Hartley).¹⁰⁰

21. In the landscape context, Ms Marsh failed to outline her methodology - instead simply pointing to ID20, a document concerned with reviewing LVIA's and which provides no methodology for Ms Marsh's evidence in so far as it goes beyond this and expresses views on the degree of impact. There is therefore no transparency at all in her approach.¹⁰¹ That is a particular problem in this case, as it appears that she has a completely different understanding of some key terms from the other witnesses. For example, Ms Marsh suggested that while one could speak of containment in visual terms, it could not be applied to questions of landscape resource and perceptual qualities.¹⁰² As Mr Duckett made clear, however, it can in fact be applied to both.¹⁰³ Thus, for landscape purposes, on the one hand you had Mr Cook, Mr Duckett and Ms Farmer – who disagreed on certain points but accepted that the views of the others fell within the bounds of reasonable expert opinion. Each is, of course, a qualified landscape expert – or member of the 'so called landscape professions' to quote Ms Marsh¹⁰⁴. On the other hand Ms Marsh was of the opinion that her views were correct, and the other experts were wholly outside the range of reasonable responses open to them.¹⁰⁵ In other words she alone was right and everyone else was not just wrong, but irrationally wrong. This was, on any view, quite extraordinary evidence.

⁹⁹ That of course was a case which TWBC opposed on AONB impact terms.

¹⁰⁰ Mr Scully EIC Day 12 AM 1.

¹⁰¹ Mr Cook EIC Day 5 PM 2, Ms Marsh XX by Mr Maurici Day 3 PM 2. You will recall exactly how much she sought to avoid answering this very simply question when it was put to her – you, Sir, had to intervene.

¹⁰² Ms Marsh XX Day 4 AM 1.

¹⁰³ Mr Duckett XX by Ms Tester Day 5 AM 2.

¹⁰⁴ Ms Marsh XX by Mr Maurici Day 4 AM 1.

¹⁰⁵ Ms Marsh XX Day 3 PM 2.

Baseline

22. We understand that all parties agree that the baseline for understanding impact must take into account both TP1 and BKF,¹⁰⁶ alongside the currently existing developments at Hartley Road, Orchard Way, and Cranbrook.¹⁰⁷ We note, with regard to the current baseline:

- (i) All parties accept that this is a settled landscape.¹⁰⁸
- (ii) Much has been made of the idea of the ‘green wedge’. We come back to this in discussions of heritage, but for landscape purposes as Mr Cook outlined BKF and the Corn Hall allocation fundamentally changes the understanding of that; something Mr Byass explicitly acknowledged in his XX of Mr Duckett on behalf of NE,¹⁰⁹ where the discussion was of “slivers” of green not a wedge having regard to BKF and Corn Hall. It is not something affected by the Development.¹¹⁰
- (iii) There is a dispute as to how to ‘read’ TP1. Ms Farmer considers that it (and Orchard Way) should read as part of a green wedge right up until the Development is built. Mr Cook outlined that rather than currently maintain a ‘dispersed’ character as suggested by NE, TP1 will – once both it and BKF are built – visually relate to BKF.¹¹¹ It will read as an outlier to Cranbrook but remain associated with it. Again in this Mr Cook is not alone – the OR considered that TP1 could not be considered ‘isolated’.¹¹²

¹⁰⁶ Mr Cook EIC Day 5 PM session 1; Ms Farmer XX by Mr Maurici Day 2 AM 2. This is notwithstanding Ms Farmer’s Appendix 3 Map A, which shows the land as it is now (so, not part of the baseline at all) – Day 3 AM 1.

¹⁰⁷ Ms Farmer has sought to outline the effect of the baseline using her Appendix maps B and C. However, these significantly overplay the impact of the Development, as (1) they do not show green infrastructure (cd BD’s plan in ID16 p2) and (2) TP1 and Orchard Way become developments once the Development is consented. She sought to justify this in part on her belief that BKF’s set-back maintains separation where ours does not – we address this below at para.32(i). See XX by Mr Maurici Day 3 AM 1. Also, note the criticism levelled by Mr Duckett that Ms Farmer has misrepresented how close the development comes to Crane Brook, which she accepted in Ms Farmer EIC Day 2 AM1.

¹⁰⁸ See e.g. Ms Farmer XX by Mr Maurici Day 2 AM 2, Ms Marsh XX by Mr Maurici Day 4 AM 1 and Day 3 PM 2.

¹⁰⁹ Mr Duckett XX by AB, Day 5 AM 1.

¹¹⁰ Mr Cook RX Day 6 PM 1.

¹¹¹ XX Day 1 AM 1.

¹¹² CD18.02 para. 10.12.

- (iv) There was some dispute about whether the Site could be considered ‘tranquil’ in the baseline. As Mr Cook outlined – we say rightly – this remains a site close to the busy A229, and adjacent to BKF and TP1 such that it cannot be said to be particularly tranquil although Mr Duckett is correct that the amount of noise pervading the Site reduces when one gets to its lower third. The most tranquil elements are the south and south eastern parts.¹¹³
- (v) If permission is not granted, there are bounding the DA relatively hard built edges on (i) BKF, (ii) the internal roads that run along the northern edge of TP1¹¹⁴. There has been some attempt by the Rule 6 parties to suggest TWBC can ‘soften’ at least the BKF edges through detailing requirements. However, as Mr Slatford explained TWBC is constrained in whatever it can request by way of Reserved Matter (“**RM**”) approval for BKF by the approved Parameters Plan¹¹⁵ (which shows a narrow strip of land), and that Parameters Plan in turn has been influenced by the policy locations of the buffers on the Site Allocations Local Plan.¹¹⁶ So, in fact, there simply isn’t that flexibility.¹¹⁷ In any case, such a suggestion cannot apply to either the TP1 internal roads or the backland development;
- (vi) The Site currently features derelict paddock fencing, which detracts from the landscape. A suggestion was made to Mr Duckett that the landscape was “recovered” – however, as he rightly pointed out, this is not so. It is simply in a period of suspended animation pending the next usage.¹¹⁸

Policies, guidance and previous site assessments

23. Before diving into the detail of this we need to deal with six relevant documents.

¹¹³ Mr Cook XX Day 6 AM 1.

¹¹⁴ That is to say closest to the DA.

¹¹⁵ CD18.4 Condition 5.

¹¹⁶ CD11.3.

¹¹⁷ Slatford EIC Day 16 AM 2.

¹¹⁸ Mr Duckett XX Day 4 PM 2.

24. First, there is National Character Area (NCA) 122 (High Weald), which forms part of an assessment of the character of England's landscape.¹¹⁹ NCA 122 is very large, as is clear from the map at CD16.2 p. 3. The key characteristics are identified on p. 8 of that document, Statements of Environmental Opportunity ("SEO") on p. 5.
25. Second, turning to the local level, the key character assessment document is the Tunbridge Wells Borough Landscape Character Assessment SPD (2017)¹²⁰ (the "**2017 SPD**"). Here, the Site and its surrounding area fall within the Cranbrook Fruitbelt (Character Area 4). We have here a detailed SPD which runs through the Cranbrook Fruitbelt's key characteristics (p. 50), valued features and qualities (p. 53) and outlines a recommended landscape strategy, considered in the context of the AONB (p. 54).
26. Third, we have the AONB MP.¹²¹ This replaces the AONB Management Plan (2014-2019) which is referred to in the 2017 SPD.¹²² It outlines five defining components of character which comprise the natural beauty of the AONB: Geology landform and water systems; settlement; routeways; woodland; and field and heath.¹²³
27. We will of course come to all these documents in more detail as required although these have been gone through at length with the witnesses and so we will keep references summary. However before we do, we should point out also, fourth, that the sensitivity of the Site itself was examined in the LUC sensitivity study.¹²⁴ This area falls within Cr2, and as Mr Cook outlined, given this is small scale development¹²⁵ that study indicates that the sensitivity of the area roughly equivalent to the DA is medium/high.¹²⁶ The LUC analysis also identifies the large

¹¹⁹ CD16.2, uploaded by the Government in 2013.

¹²⁰ CD12.8.

¹²¹ CD12.13.

¹²² CD12.13 Appendix 5 (p. 222).

¹²³ Mr Cook PoE (CD23.1.7) para. 11.16.

¹²⁴ CD12.22.

¹²⁵ Being 2-2.5 storeys, ID21 p.6; Ms Farmer accepted this XX by Mr Maurici Day 3 AM 1.

¹²⁶ Although area Cr2 is much larger than the Site, the study concludes that the area "Adjacent to the allocation AL/CR4 development on the edge of Cranbrook, around Turnden, and in remaining open gaps along Hartley Road, proximity to existing/intended development means that sensitivity is slightly lower" (ID21 p. 11). Ms Farmer sought to dispute this, suggesting the reference to "slightly

nucleated settlement form of Cranbrook, (it does not refer to dense close-knit houses), suggests the sensitivity diminishes with increasing proximity to development along the ridge crest, and that the fields around Turnden are now disused equestrian paddocks and do not form part of any recognisable historic landscape.¹²⁷ It should also be noted that this study took place at a time when the Turnden Farmhouse was still extant.¹²⁸ That is now gone. Ms Farmer raises a number of concerns regarding the LUC report¹²⁹ but as she accepted in XX, these do not mean there is “no worth” in the conclusions LUC reach, and they are not fundamental.¹³⁰

28. Fifth, and following (chronologically) the LUC report, the Site was also assessed by the HDA LVIA.¹³¹ This was commissioned by TWBC at NE’s request¹³² which assesses the sites proposed to be allocated for major development in the emerging

lower” meant “slightly lower than high” and not medium-high. As Mr Cook made clear however the LUC study (p. 126) refers to both the High and Medium/High boxes, so the latter category Medium/High must be relevant to this Site. He also defended the analogy with Cr4, pointing out that – once built upon – buildings will be in the northern part of Cr2 in the same way they are for Cr4, and that there is quite the degree of commonality between the two designations (both bounded by the A229, with residential development on the opposite of the road, development sitting adjacent to them). So, while he fairly accepted in XX that the two were different, the benchmarking process is still beneficial: XX by Mr Byass Day 6 AM 1. As Mr Cook reiterated in RX, one must look at the definitions for both medium and high to see where the proposal sits between the two: Day 6 PM 1.

¹²⁷ ID21 p11. Ms Farmer disagreed with that analysis (XX by Mr Maurici Day 3 AM 1). We say she is wrong. And we return to this issue below under the heading of “Heritage” and by reference to Dr Miele’s evidence.

¹²⁸ As Mr Cook indicated in XX that explains why CD12.22 p. 125-126 refers to retaining openness around the “Turnden farmhouse” (emphasis added) would help preserve its rural setting. XX by Ms Tester Day 6 AM 2.

¹²⁹ Ms Farmer PoE (CD23.5.1) para. 79; Ms Kent in XX was faced with the dilemma of whether she supported Ms Farmer’s criticisms of work undertaken by her very own company LUC: XX by Mr Maurici Day 14 AM 1.

¹³⁰ Ms Farmer XX by Mr Maurici Day 3 AM 1. Ms Farmer considers that LUC should have paid more attention to the role of the Site in reinforcing the gap between settlements (Ms Farmer PoE (CD23.5.1) para. 79e). However, as was made clear in XX this is simply her taking a different view from LUC. In circumstances where they specifically did consider separation for other plots, adjacent to Cr2, it is wrong to consider this an oversight or gap in their analysis, (as Ms Farmer contends), rather than a deliberate decision and part of their analysis. As with the HDA study – see below - she is conflating disagreement with oversight. Ms Farmer also suggests that not enough attention has been paid to the TP1 concept as an isolated farmstead (Ms Farmer PoE (CD23.5.1) para. 79a). We refer you to the discussion above at para. 11, but also note that the highest she puts it (as accepted in XX) was that this “arguably” increases sensitivity – Ms Farmer XX by Mr Maurici Day 3 AM 1.

¹³¹ Which is a full -albeit high level- LVIA rather than a ‘sensitivity study’ as suggested by Ms Farmer – which she accepted in XX – XX by Mr Maurici Day 3 AM 1.

¹³² Ms Farmer XX by EL, Day 3 AM 2, CD14.3.9 para. 1.7ff.

Local Plan.¹³³ NE had not previously criticised this LVIA (despite being provided with its methodology),¹³⁴ and although a number of criticisms have since been made by Ms Farmer,¹³⁵ and the AONB Unit¹³⁶ they were shown in XX to be untenable. The Site is recognised as being subject to various constraints, including ensuring a demarcation between the settlements of Cranbrook and Hartley.¹³⁷ After analysing matters such as landscape character plans, routeways and historic routeways, geology and water systems and character components and objectives of the AONB MP, the HDA LVIA sets out a proposal for the allocation of the Site, identifying the north-eastern part of the Site for residential development providing

¹³³ Mr Cook PoE (CD23.1.7) para. 3.41f. We simply pause here to note NE's approach of asking for a study of major sites, then suggesting that no major site is permissible in the AONB, is odd at best: Ms Farmer XX by EL, Day 3 AM 2.

¹³⁴ The methodology was shared with NE – see para. 3.2.1 and 3.2.4, NE's comments had been responded to (E.g. by removing the Hawkhurst Golf Course as an allocation – Ms Farmer XX by Ms Lambert Day 3 AM 2) and NE had not – prior to this inquiry – criticised the HDA LVIA; See e.g. CD14.1.4, NE's comments on the Reg 19 consultation, at p. 3 para. 1. In XX of Mr Hazelgrove Mr Byass suggested that, had NE been content it would have withdrawn its objection to all major allocations (Day 15 PM 1). That is not right, as was made clear in RX (Day 16 AM 1) – NE has an “in principle” objection to the sites, it would only have removed its objection if all sites had been removed in their entirety. That does not however indicate that NE had criticisms of the LVIA itself.

¹³⁵ Ms Farmer PoE (CD23.5.1) paras. 80-93, and see Ms Farmer XX by EL, Day 3 AM 2. Ms Farmer XX by EL, Day 3 AM 2. We particularly highlight two criticisms. (1) the suggestion by Ms Farmer (Ms Farmer PoE para. 80) that this LVIA post-dates and was influenced by the Site LVIA for this application. This is wholly incorrect. The project was commenced in November 2019 and had no regard to this application's LVIA, as Mr Duckett explained: Day 4 PM 1, see AF's XX by EL, Day 3 AM 2. (2) the suggestion (Ms Farmer PoE paras. 92-93) that the Inspector in the Gate Farm Decision (CD19.8) had called into question the judgments in the HDA LVIA. He does not do so and an even cursory reading of the relevant decision bears that out. In XX Ms Farmer sought to pivot from this untenable position by suggesting that the HDA LVIA was not a ‘rubber stamp’ for development on certain sites – and to be very clear, this is a very different point to what is in Ms Farmer's proof (you will recall that you had to intervene to require her to answer the question put to her, and she then sought to elide the two points). The fact that the HDA LVIA is not a ‘rubber stamp’ is obvious, but Ms Farmer's criticisms of the entire HDA LVIA based on the Gate Farm decision is wholly meritless: Day 3 XX by Mr Maurici AM 1; and see Ms Farmer XX by Ms Lambert Day 3 AM 2.

¹³⁶ Again we do not deal with them all but highlight some. She alleged that this failed to identify landscape and visual receptors, which is manifestly wrong: Ms Marsh PoE (CD23.4.1) para. 8.2, CD14.3.9A at p. 5, 11, Ms Marsh XX by Ms Lambert Day 4 AM 2. Ms Marsh later in XX suggested her point was in fact that there was an “overwhelming visual bias”. We also note this specifically considers the way the area represents the AONB: CD14.3.9A p. 11, see the column entitled “Representativeness of AONB Qualities”. Ms Marsh under pressure in XX by EL, accepted these are positive features that are identified, and instead resorted to repeating that this does not mention fieldscape which is “88% of the site”.

¹³⁷ Mr Cook PoE (CD23.1.7) paras. 3.5-3.6, EIC Day 5 PM session. Ms Farmer suggests (Ms Farmer PoE para. 88j) that no mention is made of the role of the Site in the perceived gap between Cranbrook and Hartley. However, it is clear the issue of separation has been considered, as Fig C2 of the HDA LVIA shows. Ms Farmer is suggesting that a simple disagreement with her is in fact an oversight.

additional mitigation measures are complied with.¹³⁸ Without outlining an exhaustive list, these measures include matters such as retaining two-thirds of the Site as open space, undertaking enhancement such as recreating historic field boundaries, and including open spaces and landscape buffers to maintain the sense of separation between Cranbrook and Hartley.¹³⁹ Overall, it concludes that sensitive development within the Site could be achieved without residual significant landscape and visual effects from public accessible viewpoints, and that there is the potential for the proposal within the Site to enhance the landscape of the AONB in the areas allocated for open space.¹⁴⁰ Mr Cook considers that the Development complies with the requirements of the HDA LVIA,¹⁴¹ and Ms Farmer confirmed that she does not suggest there is non-compliance.¹⁴² We say that is right, and also refer to the consideration by both the case officer and landscape biodiversity officer extracted in Mr Cook's proof of evidence.¹⁴³

29. Sixth, based in part on the work of HDA, we have the landscape-led allocation of the Site in the emerging Local Plan. This includes a number of landscape-led requirements including requirements for non-vehicular routes, having regard to existing hedgerows and mature trees, locating the development only on areas identified for residential use, and providing extensive green infrastructure. ¹⁴⁴ Ms Farmer confirmed it is no part of NE's case that the Development does not comply with the criteria set out therein.¹⁴⁵ Ms Marsh does not offer an opinion on compliance with the emerging Local Plan.

¹³⁸ Mr Cook PoE (CD23.1.7) para. 3.9ff.

¹³⁹ Mr Cook PoE (CD23.1.7) para. 3.16-3.20.

¹⁴⁰ Mr Cook PoE (CD23.1.7) para. 3.21-3.27.

¹⁴¹ Mr Cook PoE (CD23.1.7) paras. 3.16-3.27 and Mr Cook EIC Day 5 PM session 1.

¹⁴² Ms Farmer XX by Mr Maurici Day 3 AM 1.

¹⁴³ Mr Cook PoE (CD23.1.7) para. 3.28-3.53, and see CD7.1 in particular at paras. 7.159 onwards and para. 10.126 onwards.

¹⁴⁴ Mr Cook PoE (CD23.1.7) para. 3.4; ID21 p. 2.

¹⁴⁵ Ms Farmer XX by Mr Maurici Day 3 AM 1.

30. These six documents are, we say, important to this matter. We pause to note simply that Ms Farmer also referred to the Landscape Capacity Study (2009)¹⁴⁶ and emerging draft Neighbourhood Plan (“**the draft NP**”) evidence base¹⁴⁷ neither of which we say are particularly relevant.

The Development

31. Mr Cook has undertaken a thorough review of the Development, considering both that it reflects the AONB ¹⁴⁸ and accords with the principles of good design set out in the NDG.¹⁴⁹ Ms Marsh did not assess the Development against the NDG – she claims to have assessed it against the AONB DG but failed in fact, as has already been noted above, to include any analysis whatsoever.¹⁵⁰ Ms Farmer¹⁵¹ did not attempt any such appraisal, purporting instead to take an ‘in principle’ objection to the Development. On her view, it makes no difference whether what is proposed is the worst designed generic housing estate imaginable or an architectural masterpiece designed by Capability Brown. That cannot be right. As Mr Cook outlined, the very first step for a landscape assessment is to get under the skin of the Development, to see how it impacts the landscape.¹⁵² This is an approach required by the Guidance Note *Legislation and Planning Policy in the High Weald*

¹⁴⁶ Ms Farmer PoE (CD23.5.1) para. 63ff. As she accepted in XX (by Mr Maurici Day 3 AM1), this is based on the outdated GLVIA 2 methodology, has been superseded by events (notably BKF and TP1) and the area on which she relies set out in that document – C2 – is significantly larger than the Site (see Mr Duckett EIC Day 4 PM1).

¹⁴⁷ Ms Farmer XX by Mr Maurici Day 2 AM 1. The draft NP viewpoints (ID11) are to be given no weight because: (1) they form part of a draft NP that carries limited weight (addressed more below); (2) they were published shortly after and in response to the cabinet approving at Regulation 18 stage the draft allocation of the Site (Councillor Warne XX by Mr Maurici, Day 15 AM 1); (3) they have not been reviewed after BKF was granted permission.

¹⁴⁸ Mr Cook PoE Para 5.9.

¹⁴⁹ Mr Cook PoE (CD23.1.7) para. 5.19-5.27.

¹⁵⁰ Ms Marsh XX by Mr Maurici Day 4 AM 1.

¹⁵¹ Farmer XX by JM, Day 2 AM 2, in which she acknowledges that she has not assessed design and looked at only one characteristic out of the 10 outlined in the NDG.

¹⁵² Mr Cook EIC Day 5 PM 1.

AONB,¹⁵³ the AONB DG¹⁵⁴ and the revised NPPF (2021).¹⁵⁵ Mr Cook has done that, Ms Farmer and Ms Marsh have not. That difference in approach fundamentally weakens the case put against the Development.

32. The vision is for a development which is attractive, accessible and which allows biodiversity to thrive.¹⁵⁶ We highlight the following particular (though by no means exclusive) scheme elements and their effect on landscape:

- (i) The open area to the northwest of the Site allows the Development to be considerably set back from the A229, maintaining the sense of separation from the A229 and Hartley. This ties into the same principles deployed in BKF immediately to the north.¹⁵⁷ During construction a section of the hedge will need to be removed to accommodate the visibility splays and highway works, but once those are in place there is an opportunity – behind the visibility splays – to reinstate a native hedgerow and stand of trees. The sweeping entryway will also be framed by a stand of trees;¹⁵⁸
- (ii) The WLH and large elements of open landscaping will help maintain the sense of separation between Cranbrook and Hartley;¹⁵⁹

¹⁵³ CD12.17 p.9: “The extent to which the layout and design, including materials, of development proposals are compatible with and reinforce the landscape character of the AONB will be important. Locally sourced materials, particularly timber, can contribute positively to the AONB not just visually but by helping to support the economic management of woodland”.

¹⁵⁴ CD12.15. This is published by the AONB Joint Advisory Committee, including NE, and which is a Design Guide specific to and focused on housing in the AONB. Ms Farmer agreed this is an important material consideration. Contrary to Ms Farmer’s suggestion, it does not suggest stopping at step 1 (Response to Setting) but requires continuing to look at Making a Place and the Right Details – see p. 9. Mr Pullan has fully assessed all 10 requirements. Ms Farmer admitted in XX she had not – Day 2 AM 2.

¹⁵⁵ It now emphasises the quality of design and compliance with relevant design guides.

¹⁵⁶ Mr Cook PoE (CD23.1.7) para. 5.28-5.29.

¹⁵⁷ Ms Farmer, somewhat paradoxically, relied on this same setback in BKF as providing separation between Hartley and Cranbrook (XX by Mr Maurici Day 2 AM 2), and indeed the fact that Orchard Way was set behind a hedge to support the same view. But she did not accept the same setback in the Development as doing the same (see her EIC Day 2 AM 1), basing her view (it appears) on the fact there will be three accesses to settlements along the Hartley Road rather than two which will “fragment” the frontage along the A229. The alleged distinction between BKF and the Development is quite remarkable with no apparent logic underlying it; nor do we accept that three access roads rather than two suddenly “fragments” the A229 and provides a sense of Hartley and Cranbrook becoming one settlement. We ask you to dismiss this baseless suggestion. Ms Marsh (EIC Day 3 PM 1) reiterated the concern that this would “destroy” the separation between these settlements.

¹⁵⁸ Mr Cook EIC Day 5 PM session 1, Mr Cook PoE (CD23.1.7) para. 5.35-5.37.

¹⁵⁹ Mr Duckett EIC; Mr Cook agreed – XX Day 6 AM 2.

- (iii) The reinstatement of the historic Tanner's Lane will provide an opportunity to link the Site to BKF and Cranbrook;¹⁶⁰
- (iv) The central village green area will retain existing mature trees, wet depressions and hollows, the latter two will be enhanced as naturalised attenuation ponds surrounded by marginal aquatic vegetation and shrub planting. These would form attractive anchor features;¹⁶¹
- (v) A similar strategy is employed for the central green corridor – retaining good quality tree cover and using that as a framework for the new grassland, shrubbery,¹⁶² standard¹⁶³ trees, and large naturalistic attenuation pond;¹⁶⁴
- (vi) The ancient woodland is retained, and the minimum 15m buffer zone (in practice often 20-25m) provides a naturalistic landscape environment protecting and enhancing that woodland;¹⁶⁵
- (vii) The reinstatement of the woodland shaw and stream within it involves the reinstatement of a historic feature;¹⁶⁶
- (viii) The currently featureless field on the south-eastern part of the Site (termed the Pastoral Fields in Mr Cook's proof)¹⁶⁷ will benefit from a new woodland shaw to the north, and two blocks of woodland to the west known as Turnden Farmstead Wood and Hennickers Pit Wood. This will sit alongside the recreation of historic field compartments, with hundreds of linear

¹⁶⁰ Mr Cook EIC Day 5 PM 1

¹⁶¹ Mr Cook EIC Day 5 PM 1, Mr Cook PoE (CD23.1.7) para. 5.38. Ms Farmer suggested this would be a 'peri-urban' feature, but agreed with Mr Maurici that even if the Development is not built, a person standing in that spot with BKF in front and TP1 behind will see development either side and so it will appear peri-urban even without the Development. Peri-urban means a zone of transition from rural to urban land uses located between the outer limits of urban and regional centres and the rural environment – that is to say areas that are in some form of transition from rural to urban.

¹⁶² Ms Tester put to Mr Cook that "shrubby" was more related to urban settlements. However he disagreed and she has provided no evidence to support that view.

¹⁶³ "Standard Tree" is a technical term given to trees that stand alone rather than in a group. They can be freestanding as in a meadow or hedgerow.

¹⁶⁴ Mr Cook EIC Day 2 PM 1, Mr Cook PoE (CD23.1.7) para. 5.39.

¹⁶⁵ Mr Cook EIC Day 5 PM 1, Mr Cook PoE (CD23.1.7) para. 5.40.

¹⁶⁶ Mr Cook EIC Day 5 PM 1.

¹⁶⁷ Mr Cook PoE (CD23.1.7) para. 5.41-5.43.

metres of replanted mixed native hedgerows, and standard trees based on historic maps of the 1800s;¹⁶⁸

- (ix) As to the new species-rich grassland, while the field would be raised by some 460mm, in circumstances where it would mirror the existing topography, once the area has been seeded the change will be imperceptible (a point with which Ms Farmer largely agreed).¹⁶⁹ In the end, a poor semi-improved grassland will be replaced with a wildflower meadow - a much better finished element.¹⁷⁰ Of course, the footpath though that will not be materially affected once the meadow is in place;¹⁷¹
- (x) The creation of the new woodland shaws would reinforce the buffer and sense of separation between Hartley and TP1.^{172;173}
- (xi) This all works together alongside particular residential elements in the DA - such as framing shrub beds and lawns by ornamental hedgerows¹⁷⁴ - which allows the greenery to punctuate residential spaces in an attractive way. Mr Hazelgrove notes that it is rare to provide such a large amount of public open space and ecological management in a scheme such as this.¹⁷⁵ Mr Cook considers the proposal would be exceptional in the amount of

¹⁶⁸ Mr Cook EIC Day 5 PM 1, Dr Miele PoE Appendix 5.

¹⁶⁹ Ms Farmer XX by Mr Maurici Day 2 PM 2. Ms Farmer was asked this question squarely and simply said one might notice it at the edges. See the cross sections at ID21 p. 17.

¹⁷⁰ Mr Cook EIC Day 5 PM session 1. I.e., something which is more floristically interesting in terms of perceptual elements, site, sound and smell: XX by Ms Tester Day 6 AM 2. This ties into, e.g. the Field & Heath component of the AONB MP - see Mr Cook PoE (CD23.1.7) para. 11.37. Ms Marsh suggested in the ecology EIC (Day 11 AM 1) that Mr Cook suggested semi-improved grassland had no ecological value. However, the reference she included in ID43 slide 1 only suggests that such grasslands are of "some" conservation value, not that it is high value.

¹⁷¹ Mr Cook EIC Day 5 PM session 1, Mr Cook PoE (CD23.1.7) para. 5.44-5.47.

¹⁷² Mr Cook EIC Day 5 PM session 1, Mr Cook PoE (CD23.1.7) para. 5.48.

¹⁷³ The fact that the southern fields will create a gap between Hartley and TP1 was accepted by Ms Farmer in XX, see XX by Mr Maurici Day 2 AM 2. She accepts there is a physical gap but then suggests there is no 'sense of separation'. We suggest there is.

¹⁷⁴ For the avoidance of doubt, owner / occupier front gardens are the only location with ornamental hedgerows. Elsewhere it is a mixed native species hedgerow.

¹⁷⁵ Mr Hazelgrove PoE (CD23.2.1) para. 4.18: "The applicant owns a significant amount of land around the Turnden site. The land being in single ownership allows it to be put into cohesive ecological management resulting in a significant net biodiversity gain, plus provide public open space. The merits of this are assessed later but the point made at this juncture is that it is rare for a site to provide this amount of public open space and ecological/woodland management, particularly one where housing can be located on the periphery of an existing tier 2 settlement (with its attendant greater amount of shops, services and relative proximity to schools etc)." A point he reiterated in EIC (Day 15 AM 2).

green infrastructure it delivers, alongside the housing.¹⁷⁶ Crucially, Ms Farmer accepted both these points in XX.¹⁷⁷

33. Pausing there, providing additional footpaths, reinstating lost hedgerow and field boundaries, providing new woodland block planting and new publicly accessible green infrastructure are all agreed with TWBC and NE to be benefits of the Development.¹⁷⁸ Ms Farmer accepted that the only aspects she considered resulted in harm were: the removal of hedgerow for access along with other access related works on the A229 and the built form (notwithstanding not having assessed the design).¹⁷⁹ The rest she accepts will be landscape enhancements,¹⁸⁰ which the Applicant will have no obligation to deliver if the Development is not consented.¹⁸¹ And, as already mentioned Ms Farmer on behalf of NE does not in any way seek to criticise the content of the LEMP or the landscape statement.¹⁸²

¹⁷⁶ Mr Cook PoE (CD23.1.7) para. 15.8: "Such change to the character of the site would bring about a high magnitude of change and enhancement which would be beneficial in nature in landscape character terms. This reflects the sheer volume of planting and landscape enhancement which in my view is quite exceptional given the limited scale of proposed housing." It is not, he considered, an afterthought, but something integral to the Development: Mr Cook EIC Day 5 PM session 1 and see Ms Farmer XX by JM, Day 2 AM 2.

¹⁷⁷ Ms Farmer XX by Mr Maurici Day 2 PM 1. She then suggested that the Glover Review (CD16.9) indicated this is a general trend. We deal with that below in the planning section and, based on what is set out there, ask you to disregard her suggestion. She was also unable to point to appeal decisions that concerned an application with an equivalent level of green infrastructure, but suggested she had not looked at the decisions contained in the CDs for that purpose.

¹⁷⁸ CD9.2 p. 23 para. 8. See too Mr Duckett's evidence considering these 'improvements': Day 4 PM 1. Ms Farmer takes a point in Ms Farmer PoE (CD23.5.1) para. 178 that benefits are only "true benefits if the scheme itself does not undermine the special qualities of the AONB". As Mr Maurici pointed out in XX the true test under para. 177 involves weighing any harm to the AONB against the benefits of the Development. Ms Farmer said this was for a planning witness, and that instead she was suggesting in assessing the impact on landscape one cannot separate the benefits from the burdens. We do not seek to do so; but it appears Ms Farmer's approach is instead to say, if there are any negatives, then it should be considered a negative in landscape terms without considering any benefits. This seems odd.

¹⁷⁹ Ms Farmer XX by Mr Maurici Day 2 PM 1. In XX Ms Farmer then raised for the first time (1) the potential blocking of VP4 by planting and (2) the prospect that upgrading FP WC 115 with more housing nearby and more people living in the area might lead to more people using it, which will have an effect on the perceptions of the countryside and enjoyment thereof. (1) however is a choice between views of BKF or instead views of restored historic hedgerows provided as part of this Development. (2) suggests NE considers that the countryside is for the few, not the many.

¹⁸⁰ Ms Farmer PoE (CD23.5.1) para. 116.

¹⁸¹ Ms Farmer XX by Mr Maurici Day 2 PM 1.

¹⁸² As confirmed in XX - Ms Farmer XX by Mr Maurici Day 2 PM 1. See CD4.7.

34. Ms Marsh alone suggested the landscaping was not exceptional – though adopted her own meaning of “exceptional” as “exceeding the aspirations of the [AONB MP]”¹⁸³. Tellingly, she could not point to any examples of any similar sized scheme with anywhere near equivalent levels of landscaping. She did not even accept any of the above matters were benefits, suggesting instead that the landscape enhancement proposals are “generic, inadequate, and disadvantageous to the AONB”.¹⁸⁴ This position was shown in XX to be as untenable as it was extreme.¹⁸⁵ She also dismissed the importance of the LEMP on the basis that the Applicant could achieve good outcomes at minimal expense by, for example, donating the Site to a regenerational farmer.¹⁸⁶ This evidence is once again somewhat extreme, has an air of unreality, and a complete outlier from all the other evidence.

35. So against that background we will turn to the analysis of this application in landscape and visual terms, and we break this down into (i) effect on landscape elements and character within the Site, (ii) effect on landscape elements and character outside of the Site, and then (iii) visual impacts.

Effect on landscape elements and character within the Site

36. Mr Cook, Mr Duckett and Ms Farmer all agree one looks both at the overall landscape and elements within the Site (both in quality and quantity) pre and post-development.¹⁸⁷ This is not, contrary to a suggestion by the AONB Unit, because the three experts have ‘confused’ elements with character.¹⁸⁸

¹⁸³ Ms Marsh XX by Mr Maurici Day 3 PM 2.

¹⁸⁴ Ms Marsh PoE (CD23.4.1) para.3.1.

¹⁸⁵ For example, it was pointed out that “Recreational access” was specifically referred to in NPPF para. 177. However, Ms Marsh (1) suggested that provision of public open space was a requirement of any scheme but was unable to explain from where this view came, other than her own experience; (2) accepted she had not undertaken an analysis of the extent to which it met or exceeded policy requirements, and (3) then suggested permissive paths were not guaranteed (despite being secured by a s. 106), pivoting in XX to suggest she simply meant Corn Hall had not been built – and Corn Hall is not relevant here as the permissive paths are located in the southern part of the Site. Moreover, it is not in dispute the Development will provide affordable housing, listed as one of the top five issues facing the AONB in the AONB MP: CD12.13. See XX by Mr Maurici Day 3 PM 2. In EIC Mr Slatford confirmed the open space provided exceeds policy requirements: Day 16 PM 3.

¹⁸⁶ Ms Marsh EIC Day 3 PM 1.

¹⁸⁷ Ms Farmer XX by Mr Maurici Day 2 PM 1, Mr Cook EIC Day 5 PM 1.

¹⁸⁸ Day 6 AM 2. This accusation was levelled against Mr Cook in XX by Ms Tester, though given that Mr Duckett and Ms Farmer undertake the same approach the same criticism would apply to them.

37. Mr Cook identifies six individual landscape elements to assess, all in fact in very similar terms to elements identified by Mr Duckett:¹⁸⁹ trees, hedgerows, land use (grassland), topography, Public access and water features.¹⁹⁰ Ms Farmer had no specific issues with his summary table.¹⁹¹ Taking each in turn:

- (i) First, the effect on trees and tree-cover will be both major and beneficial. A significant number of new trees are proposed, over the very limited losses associated with the proposed development as set out in the Arboricultural Impact Assessment.¹⁹² Many trees will be retained, and substantial further tree cover will be introduced across the Site (126 new trees within the DA, and a further 38 trees and 1.15ha of native woodland planting within the WLH).¹⁹³ All characteristic of the AONB and the area.
- (ii) Second, the impact on hedgerows would be both major and beneficial. Although 290m of hedgerows will be lost,¹⁹⁴ what is proposed includes the enhancement of 90m of hedgerow with native species rich hedgerow, and more importantly proposed new native hedgerow planting of some 1.29km.¹⁹⁵ Some reinstated hedgerows are, of course, along historic boundaries as advocated by the AONB MP.¹⁹⁶
- (iii) Third, there is a moderate beneficial effect on grassland, balancing the admitted loss of some poor quality grassland against the creation of naturalistic species rich grassland and meadowland.¹⁹⁷

¹⁸⁹ Mr Duckett PoE section 8.2. A criticism was made by Ms Marsh there was no reference to the purported medieval field system. As Mr Cook and Mr Duckett explained and we have already highlighted, that is because it is absent from this site: Mr Cook XX by Ms Tester Day 6 AM 2. See further the discussion below under "Heritage" by reference to Dr Miele's evidence.

¹⁹⁰ Mr Cook PoE (CD23.1.7) para. 6.30, Mr Cook EIC Day 5 PM 1.

¹⁹¹ Ms Farmer XX by Mr Maurici Day 2 PM 1.

¹⁹² CD3.06, Table 1.

¹⁹³ Mr Cook PoE (CD23.1.7) para. 6.7-6.16.

¹⁹⁴ These are set out in Mr Cook PoE p. 31, para. 6.4 and Fig 18.

¹⁹⁵ Mr Cook PoE (CD23.1.7) para. 6.3-6.6.

¹⁹⁶ See the AONB MP (CD12.13) p. 50 objective FH2: "Proposed Actions [...] Use historic maps to help reinstate lost hedgerows"

¹⁹⁷ Mr Cook PoE (CD23.1.7) para. 6.17. As was made very clear in RX that is not 12.34ha that is being built on – the portion of the DA containing houses and roads is only 4.7ha (CD9.01 para. 5.5). The reference to 12.34ha in AC's PoE includes portions of the Site which are currently grassland but being put to more interesting uses, such as wildflower meadows or woodland shaw: Mr Cook RX Day 6 PM 1. Ms Farmer takes a slightly different view, suggesting the improvements will "not fully" mitigate this

- (iv) Fourth, it is common ground with Ms Farmer¹⁹⁸ there will be a minor adverse effect on topography, which we say would be imperceptible in due course. Ms Farmer appears to think one will still notice the change at the edges, though she accepts this is not fundamental.¹⁹⁹ The slight raising of the topography of the Site is a side effect of not exporting soil – so has sustainable development benefits.²⁰⁰
- (v) Fifth, there would be a major beneficial effect on public access and recreational opportunities²⁰¹ stemming from the retention of existing public rights of way (“**PRoWs**”), creation of permissive paths, and delivery of significant areas of open space. Kent CC Public Rights of Way and Access Services have no objection to the proposal, subject to certain considerations being taken into account.²⁰²
- (vi) Sixth, there would be a moderate beneficial effect on water features, as existing ponds, ditches and wet depressions would be retained and enhanced, and the landscape proposals are designed to provide blue infrastructure connections and reflect the pattern of landscape features such as shaws, ditches and ponds which are characteristic of the Site, landscape, and AONB.²⁰³

38. Turning to landscape character more generally, Mr Cook, Mr Duckett and Ms Farmer agree that this is a high value landscape.²⁰⁴ Mr Cook says the susceptibility of the Site – particularly the DA – to change is low, referring to the absence of visibility, the fact it lacks the coherent fieldscape of the post-medieval landscape,

loss (though she (rightly) accepted that they will mitigate to some degree: Ms Farmer PoE (CD23.5.1) para. 116 and Ms Farmer XX by Mr Maurici Day 2 PM 1.

¹⁹⁸ Confirmed by Mr Byass in XX of AC, Day 6 AM 1.

¹⁹⁹ Ms Farmer XX by Mr Maurici Day 2 PM 1.

²⁰⁰ Mr Cook PoE (CD23.1.7) para. 6.18-6.23, Mr Cook EIC Day 5 PM session 1. See CD5.6.17 para. 5.1 and the cross-reference to Defra’s *Construction Code of Practice for the Sustainable use of Soils on Construction Sites* and CD3.11 (Air Quality Consultants’ assessment of HGV emissions). Sustainable development, of course, lies at the heart of the NPPF.

²⁰¹ Agreed as a benefit with NE – CD9.2 p. 23 para. 8(iv).

²⁰² CD6.10.1-3.

²⁰³ Mr Cook PoE (CD23.1.7) para. 6.29, Mr Cook EIC Day 5 PM 1.

²⁰⁴ Mr Cook PoE (CD23.1.7) para. 6.38, Ms Farmer EIC Day 2 AM, Mr Duckett PoE (CD23.2.2) paras. 6.5.11-6.5.18 and 6.4.25-6.5.30.

the noise and development associated with the A229, and the proximity to the urbanising influence of other developments (existing and consented).²⁰⁵ Mr Duckett expresses a very similar view.²⁰⁶ Ms Farmer, though she has reached a different view on susceptibility, did not refute any of those factors as having validity.²⁰⁷

39. Therefore, considering the baseline, and susceptibility to change, Mr Cook (and Mr Duckett) assess the DA and WLH separately. In terms of the WLH there would be a major beneficial effect in landscape element and character terms, reflecting the sheer volume of planting and landscape enhancement which is “quite exceptional given the limited scale of proposed housing”.²⁰⁸ Ms Farmer accepts that the physical effects on the WLH will be positive, save for some harm in the short-medium term from soil movements.²⁰⁹ In terms of the DA, Mr Cook considers there would be a neutral impact. As he explained to Mr Wotton, he accepts – of course

²⁰⁵ Mr Cook PoE (CD23.1.7) para. 6.32-6.38. We urge you to ignore the point put to Mr Cook in XX that it is inconsistent to allege that BKF and TP1 have an urbanising effect but the Development will not change the broad character of the area. This fails to recognise that the Development slots in to an area already book-ended by development, and comes accompanied with significant green infrastructure improvements secured over the long term. It does not have a wider urbanising influence outside the Site limits. As Mr Cook explains: XX by Ms Tester Day 6 AM 2.

²⁰⁶ Mr Duckett PoE section 6.5 .

²⁰⁷ Day 2 AM 1, at the very end of EIC. She did suggest in EIC (Day 2 AM 1) that: (1) with regard to visibility the Site was very much part of the Upper Crane Valley so susceptibility was not reduced, however see the concerns about her use of the ‘Crane Valley’ above at para 41 ; (2) that the enclosure pattern is still legible – we disagree – see further below; (3) that the Site is being improved over time as the grass gets greener and TP1 will get rid of the ménage – we submit that’s not a reason to withhold consent; (4) that the transition from the road to more tranquil parts of the Site is relatively quick and that tranquillity is strong in the south-west field – but the south-west field will remain tranquil in any case and the DA is limited to areas near the A229; (5) that while the development will be on close proximity to BKF and TP1 but “it doesn’t mean the development sits up hard against the DA on both sides” – here we simply fail to see her point where she accepts that BKF and TP1 would have an effect on the DA; (6) the policy objectives of the AONB – which we refer to elsewhere (see para. 46); (7) the idea that this will erode the separation between Hartley and Cranbrook – see para. 32(i) above.

²⁰⁸ Mr Cook PoE (CD23.1.7) para. 6.32-6.38. There have been multiple suggestions by Ms Tester and Mr Wotton in the XX of various of the Applicant’s landscape, heritage, and ecology witnesses that there is an inconsistency in the Applicant’s case, insofar as the landscape witnesses refer to this location as having an urban influence but other witnesses may not have done. Should the point be made, and for the avoidance of all doubt, there is no inconsistency – the influence the context exerts will vary depending on whether one is looking at landscape, heritage, or biodiversity. The fact remains that in the landscape is settled, the DA will become more urban than it currently is (though remaining sympathetic to the rural location), and the WLH remains rural and is enhanced.

²⁰⁹ Ms Farmer XX by Mr Maurici Day 3 AM 1.

- that residential property is a *different* element to grassland. However, it has been specifically designed to respond to the context of the AONB as a settled landscape, which it does - and it is fully compliant with the AONB DG. It therefore conserves what one associates with this part of the AONB, which is significantly defined by Cranbrook.²¹⁰

Effect on Landscape Character beyond the Site

40. Looking beyond the confines of the Site, Mr Cook has analysed the impact of the proposals against both NCA 122's key characteristics and SEOs, alongside key elements of the 2017 SPD.²¹¹ In the interests of time we do not repeat them here but suggest they re-pay rereading in full.

41. As a preliminary point, Ms Farmer expresses some concern that the LVIA does not include an LCA of the Crane Valley as a perceived landscape unit.²¹² However:

- (i) She accepted that none of the published LCA assessments do this, that it is standard practice (and recommended by GLVIA) to start by using the published assessments;²¹³
- (ii) Moreover, her 'outline' of the Crane Valley²¹⁴ fails to indicate either a northern or southern edge (as she accepted in XX)²¹⁵ and the purported LCA does not include Cranbrook town - a key area-defining element according to Mr Cook.
- (iii) Her 'outline' inconsistent with the Crane Valley as defined in a map provided by the AONB Unit from the draft NP.²¹⁶
- (iv) Bearing in mind the relevance of the AONB to all of this, although she set out a table purporting to set out the relationship between AONB qualities and the Crane Valley there was no real attempt to justify why the DA, Site,

²¹⁰ Mr Cook XX by Mr Wotton, Day 6 PM 1.

²¹¹ Mr Cook PoE (CD23.1.7) paras. 7.4-7.25. We come back to analysis against the AONB MP below, though this is also included in section 7 of his PoE.

²¹² Ms Farmer PoE (CD23.5.1) para. 98.

²¹³ XX by Mr Maurici Day 2 AM 2.

²¹⁴ Ms Farmer PoE Appendix 3 Drawing 1.

²¹⁵ XX by Mr Maurici Day 2 AM 2.

²¹⁶ CD13.1 p. 26.

or immediate environs have these qualities as opposed to the Crane Valley more generally.

42. Suffice for now to note that the majority of NCA 122's key characteristics are maintained, reinforced or enhanced, and the Development complies with SEOS 1, 3, and 4. It is an inevitably high-level character assessment but it provides a useful overview by which to understand the character of the local landscapes and its surroundings. At this higher level, as Mr Cook confirms, the Development would bring about negligible change to the key characteristics of the NCA beyond this Site. The proposal would, therefore be in keeping with the character of the adjacent settlement and accord with NE landscape strategies.²¹⁷
43. With regard to the 2017 SPD, the LCA's key characteristics²¹⁸ and valued landscape features²¹⁹ are retained or enhanced. Mr Cook particularly drew your attention to the fact that of the eight valued features, three focus on or show the influence of the settlement of Cranbrook in defining this local landscape.²²⁰ Moreover, this SPD identified a recommended landscape strategy for this local LCA, again with which the Development complies.²²¹
44. Overall, Mr Cook, Mr Duckett and Ms Farmer agree that there is no effect on the AONB beyond the Crane Valley.²²² There would, of course, be a change in the character of the DA, from derelict paddock subject to the urbanising influences of TP1 and BKF, to a high quality residential scheme surrounding and punctuated by high quality green and blue infrastructure. Mr Cook says that what is created

²¹⁷ Mr Cook PoE (CD23.1.7) para. 7.16.

²¹⁸ Such as the network of small watercourses, the high proportion of woodland and settlements falling within a topographical and wooded framework: Mr Cook PoE (CD23.1.7) para. 7.19-7.20, Mr Cook EIC Day 5 PM 2.

²¹⁹ Such as ridges of wooded ghyll valleys, ancient routeways, and again woodland.

²²⁰ Mr Cook PoE (CD23.1.7) para. 7.22, Mr Cook EIC Day 5 PM.

²²¹ So, for example, the rural character of the area is maintained insofar as it still exists in the baseline, the wooded framework is enhanced, suitable buffers are put in place to protect the Crane Valley and woodland from further development, and features which currently degrade the environment, such as paddocks and fencing, would be removed: Mr Cook PoE (CD23.1.7) paras. 7.24-7.25, Mr Cook EIC Day 5 PM 2

²²² Ms Farmer XX by Mr Maurici Day 3 AM 1.

would be an infinitely more attractive rural landscape, more in keeping with the wider landscape character of the area than is currently the case. The physical changes are confined within the Site boundaries (and indeed largely within the DA), and offsite the pattern of the land cover, tree and hedge cover and agricultural mix, undulating topography, variety of building materials, Cranbrook's settlement pattern generally and network of streams would all continue and prevail with the Development in place. Those key characteristics of the wider landscape – whichever report they are identified within – would be physically unaffected. The change to experiential factors – both visual and audible – would be negligible in the context of TP1, BKF, the A229 and the settlements of Hartley and Cranbrook. The Development would not change the broad character of the wider area as 'settled agricultural scene' which continues to prevail with the Development in place.²²³

45. As one minor point before moving onto visual impacts – there has been some suggestion that the Development would result in an end to the separation of Cranbrook and Hartley. That is not so. TP1, as Mr Cook outlined, is already likely to read as a residential enclave which is part of Cranbrook and itself closer to Hartley than the Development, but in any case the open space and set back proposed for the Development, mirroring that for BKF and fitting with the setback nature of TP1 will maintain the strong sense of separation between the two.²²⁴

Effect on the special qualities of the AONB

46. This is dealt with in separate sections of both Mr Cook's proof²²⁵ and Mr Duckett's.²²⁶ We have set out above the five defining components of natural beauty within the AONB, and note that Mr Cook has analysed the proposal against each of these, concluding that the proposals accord with the AONB MP.²²⁷ This approach is in line with the guidance set out in the Guidance Note *Legislation and*

²²³ Mr Cook PoE (CD23.1.7) para. 7.30-7.36, Mr Cook EIC Day 5 PM 2.

²²⁴ Mr Cook PoE (CD23.1.7) para. 7.37-7.38, Mr Cook EIC Day 5 PM 2.

²²⁵ Mr Cook PoE (CD23.1.7) section 11.

²²⁶ Mr Duckett PoE (CD23.2.2) section 9.

²²⁷ Mr Cook PoE (CD23.1.7) para. 11.6-11.51.

*Planning Policy in the High Weald AONB.*²²⁸ Mr Cook also includes an entire section assessing this against the AONB DG.²²⁹

47. We do not intend to repeat Mr Cook's lengthy analysis, it is relied on in full.

However, we highlight the following issues which were taken in evidence:

- (i) We accept, of course, that the time-depth of the AONB is a material matter here. However, Ms Marsh spent much of her time discussing historical matters²³⁰ despite not appearing as a heritage witness. It is Dr Miele for the Applicant who addresses heritage matters - and Ms Marsh accepted in XX she had barely commented on his evidence.²³¹ So there is if anything a refusal to engage with the full extent of the case.
- (ii) As to Field and Heath - it should not be controversial to suggest that the extent to which this proposal would impact field and heath is determined by how much field and heath survives on Site.²³² Ms Marsh argued that there is an additional landscape receptor being that part of the fieldscape which will suffer a major adverse effect if covered in soil temporarily. She is the only witness to contend for this and we submit this should be accorded no weight.²³³
- (iii) As to routeways, Ms Marsh argues (contrary to Mr Cook's conclusions) that the entrance way will "materially destroy" the character of the A229.²³⁴ We simply do not understand this argument - the A229 will remain the A229, on the same line, but simply with one more access among several. Any archaeological issues arising can be dealt with by condition. The notion that it will be "materially destroyed" is nonsensical, it is again an utterly extreme view.²³⁵

²²⁸ CD12.17 p. 9ff.

²²⁹ Mr Cook PoE (CD23.1.7) 11.52-11.71.

²³⁰ E.g. Ms Marsh EIC Day 3 PM 1, and her discussions of field patterns. Some of these - for example that the historic medieval field character has endured for 700 years (Ms Marsh EIC Day 3 PM 1) is without any evidential foundation. See below under "Heritage".

²³¹ XX by Mr Maurici Day 3 PM 2.

²³² Day 4 AM 1.

²³³ Ms Marsh XX Day 4 AM 1.

²³⁴ Ms Marsh PoE (CD23.4.1) para.7.5.

²³⁵ Ms Marsh XX Day 4 AM 1.

- (iv) Ms Marsh suggested there is the loss of an ‘iconic’ long view which will be adverse. This roughly equates to the analysis of VP4. Not only is this far from an iconic view,²³⁶ but it already features BKF in the baseline. We remind you that Ms Marsh in fact accepted that buildings in the AONB are not necessarily harmful to it, provided they are good enough to be seen.²³⁷ We agree²³⁸.
- (v) As to settlement,²³⁹
- a. It was suggested the dominant settlement pattern in this area is dispersed farmsteads. It is not. The dominant settlement pattern here is Cranbrook.²⁴⁰
 - b. There was a *lot* of discussion about where the various settlements end, and what role the Site plays in maintaining that separation. Mr Cook and Mr Duckett both say that Hartley ends where the northern part of the Site meets Hartley Road.²⁴¹ Mr Duckett and Ms Farmer appear to say the entrance to Cranbrook is the war memorial, Mr Cook considers it the sign saying “Welcome to Cranbrook” that lies at the entrance of TP1. However, in neither case does this materially affect the analysis, as in neither case – we say – does the Development alter the separation. Its combination of set-back,²⁴² planting, and sense of enclosure²⁴³ maintains the separation between Cranbrook and Hartley. The suggestion (proffered in some quarters) that building an additional access on the

²³⁶ Mr Duckett EIC Day 4 PM 1.

²³⁷ XX by Mr Maurici Day 3 PM 2.

²³⁸ It is utterly baffling how Ms Marsh would prefer to see BKF in views than vegetation in the form of restored historic hedgerows, but was in turn so abhorred by the idea of any view of the Development.

²³⁹ Though a more minor point we note that the AONB Unit took issue with Mr Cook’s suggestion in Mr Cook PoE (CD23.1.7) para. 11.21 that the Development “reinforces growth of main settlement reflecting growth pattern”. However as he explained settlements, even in the AONB, do have to grow. XX Day 6 PM 1.

²⁴⁰ In XX Ms Tester asked Mr Cook why he did not recognise that the dominant settlement pattern was isolated farmsteads, by reference to CD16.24 p.6 (Day 6 AM 2). That document, of course, applies to the High Weald *as a whole*, which is much broader than this area – as Mr Cook made clear.

²⁴¹ See e.g. Brian Duckett RPoE Drawing 1, Mr Cook PoE Appendix 1 and XX Day 6 AM 1.

²⁴² Equivalent to BKF

²⁴³ Particularly compared to BKF

A229 will somehow fragment and dissolve that separation is simply not so.²⁴⁴

- c. It was suggested in XX of Mr Cook that he had ignored the question of the extent to which this Site maintained separation between settlements, and that if you take the view it does maintain such a separation then the sensitivity of the Site changes. Notwithstanding the fact that he specifically considered separation and found the Development maintained it,²⁴⁵ Mr Cook was very clear that the sensitivity would not change, but that this would be something which may be taken into account in the planning context.
- (vi) With regard to geology (in particular soils): The AONB Unit repeatedly struggled with the concept that there is a benefit in replacing low grade grassland with a wildflower meadow²⁴⁶.

Visual Amenity (Appearance)

48. Having dealt with landscape character, we now turn to visual impact. As a brief preliminary point, no party takes a point on residential visual amenity.²⁴⁷ So, the starting point is to establish a baseline and as Mr Cook has outlined the visual envelope for the Development is in fact remarkably contained.²⁴⁸ Looking at Mr Cook's ZTVs -and we note these were not seriously challenged by any witness - we see there is no significant visual extension of the settlement with the Development in place. It does not introduce views of the settlement of Cranbrook, or open up views of Cranbrook where previously there were none.²⁴⁹ Focusing on

²⁴⁴ Mr Wotton asked about where the gap is in the north side of the A229. We are unclear where this comment goes. It was put to Mr Cook that a gap had to be on both sides of the road as there was no real gap. Mr Cook made clear in XX and RX that the gap was consistent with the zig-zag as outlined on Fig C2 of the HDA LVIA. If one is seeking a wider gap than that, Orchard Way is already on the north side of the road. Either that reads as part of the gap (as Mr Cook suggested) or it does not. Either way, the Development does not change that. XX Day 6 PM 1.

²⁴⁵ Mr Cook PoE (CD23.1.7) para. 11.21, Mr Cook XX Day 6 AM 1.

²⁴⁶ These matters are explored further in the Ecology section below.

²⁴⁷ But in any case Mr Cook concludes there is no material harm. Mr Cook PoE section 9.0, Mr Cook EIC Day 5 PM.

²⁴⁸ Mr Cook EIC Day 5 PM 2, ID21 p19-23.

²⁴⁹ Mr Cook EIC Day 5 PM 2, Mr Cook PoE (CD23.1.7) para. 8.35-8.41. In XX Mr Wotton sought to make something of the fact that, for those views where one can already see TP1 and BKF, they would then see more settlement (i.e., the Development). This is acknowledged but is an unavoidable consequence

the Development specifically (i.e. without reference to the rest of Cranbrook)²⁵⁰ the area of visibility is heavily confined to just the Site – it is limited to the east by the woodland along the Crane Brook, to the south by mature tree cover, to the west by the ribbon development along the A229 and associated tree cover, and to the north by the BKF development. There is a very small area of visibility to the west of the A229 near Goddard’s Green, but this is private land. There is some distant visibility to the northeast of Cranbrook, however Cranbrook is in the foreground of such views. Mr Cook’s ZTV appears to show some areas of visibility to the north-east of Cranbrook (near Wilsley Green) and to the east near Tilsden Oast. However, Mr Cook has checked these in person and notes that while they show up as theoretical areas of influence, in fact there would not be any visibility.²⁵¹ Ms Farmer agreed that the visual effects were limited to the Crane Valley and not extensive.²⁵² So, we say, the visual envelope is remarkably well contained²⁵³ and while we do not say that *solely* because it is contained it can be developed, it is highly relevant to the Site context.²⁵⁴ While both Ms Farmer²⁵⁵ and Ms Marsh²⁵⁶

of building things. Someone, somewhere, will see it. The point here is that it is contained. Mr Cook XX by Mr Wotton Day 6 PM 1. But in any event, see above, this is development that is good enough to be seen – albeit that where it can be seen from is limited.

²⁵⁰ ID29 p. 23.

²⁵¹ Mr Cook EIC Day 5 PM 2.

²⁵² Ms Farmer XX by Mr Maurici Day 2 PM 1.

²⁵³ Ms Farmer disagreed that the Site is ‘visually contained’ as it was possible to view it from a PRoW: Ms Farmer XX by Mr Maurici Day 2 AM 2. This does not detract from the remarkable amount of containment in the visual envelope. The notion that a site is only visually contained if not visible from anywhere else is simply not justifiable.

²⁵⁴ Mr Duckett XX Day 4 PM 2.

²⁵⁵ Ms Farmer accepts it is relevant to consider the extent to which the visual landscape and the visibility of development is a consideration in undertaking an LVIA. However, she also attempted to say, in XX, that if the inspector concluded this Site wasn’t visible or self-contained it would not be right to suggest this gave weight to the suitability of the Site. In a lengthy exchange with Mr Maurici her reasoning underlying this was never satisfactorily explained. Ms Farmer XX by Mr Maurici Day 2 AM 2.

²⁵⁶ Ms Marsh – again standing alone – took numerous issues with the idea that this is a self-contained site with limited visibility. (1) she described it as a ‘vague notion’ (SM EIC Day 3 PM 1) notwithstanding it is in fact clearly explained by Mr Cook and Mr Duckett. (2) when asked if she took issue with the ZTV, she said she had not reviewed the visibility zone, before suggesting it was inadequate because it did not extent to Greensand Ridge, before in turn accepting one would need a pair of “strong binoculars” to see the Site from that point (XX Day 4 AM 1). (3) she then suggested the Site would not be self-contained because of Ash Dieback. However (i) As Mr Cook outlined, to the extent Ash Dieback is in the area it seems to be moving much slower than Ms Marsh indicates, given the baseline photograph for Viewpoint 13B features the same canopy as in the TP1 LVIA dated July 2018 (AC EIC Day 5 PM 2, ID21 p.44); (ii) This is particularly relevant where Ms Marsh’s reasons for not raising Ash Dieback during the consultation with TWBC was that Ash Dieback moved very fast and might not have

made some desultory challenges to these ZTVs and their use, these were devoid of merit and we simply leave them in a footnote.

49. So, then, we focus on the changes from the much more limited areas where one can see the Development. We will take some representative highlights and photomontages²⁵⁷ rather than walking you through every single viewpoint (“VP”), though ask you to note simply Mr Cook’s grid at his Appendix 13 outlining the degree of visual effects.²⁵⁸

50. The impact on views from the A229 – VP1 and VP2 – though major, are neutral.²⁵⁹ All accept that the A229 is a busy highway,²⁶⁰ which already has a number of accesses with TP1 and BKF being further additions in the baseline. It is, as Mr Duckett showed, a transitory setting²⁶¹ and so, he says (and we agree) of less import. We say it is less sensitive – Ms Farmer takes a different view though we simply suggest that is wrong.²⁶² Turning to the visualisations, VP1 on the A229,²⁶³ this is the view where one would start to see a gap in the hedging for the access road to the Site. We accept of course that a limited stretch of hedgerow would be removed and new pavement created, but there would be reinstatement with native hedging and trees. Once the hedge – which will grow quite quickly – is in the order

been seen in 2018 (Day 4 AM 2); (iii) neither Mr Duckett nor Ms Farmer shared Ms Marsh’s alarmist view; (iv) Ms Marsh refused to accept the LEMP as a good thing, on the basis that the ancient woodland could recover without it – Ash Dieback is significant enough to prevent the Development being permitted, but not permanent enough that a legal obligation to manage the woodland can be seen as a benefit (SM XX by Mr Maurici Day 3 PM 1). We say this approach is remarkably inconsistent and can be contrasted with the views of Mr Duckett who considered that, to the extent Ash Dieback is an issue, the LEMP is a benefit: Mr Duckett EIC Day 4 PM 1.

²⁵⁷ You will recall with regard to photomontages that Ms Marsh’s under XX by Mr Maurici (Day 3, PM session), suggested they were not real life, revisiting the philosophical question first posed by Mr F Mercury on 31 October 1975: “*Is this just real life? Is this just fantasy?*”. Mr Cook (CD23.1.7), Mr Duckett (CD23.2.2), Ms Farmer (CD23.5.1), and the Applicant’s LVIA (CD5.7.02) have – whatever the outcomes of their judgment – been content to use photomontages and visualisations. We suggest you should too.

²⁵⁸ There is some criticisms from Ms Farmer (PoE para. 166) that there is no visualisation heading in the northerly direction. As she accepted in XX, at no point prior to her involvement had NE asked for one. XX by Mr Maurici Day 3 AM 1.

²⁵⁹ Mr Cook PoE Appendix 13.

²⁶⁰ Ms Farmer XX by Mr Maurici Day 3 AM 1.

²⁶¹ Day 4 PM 2.

²⁶² XX by Mr Maurici Day 3 AM 1. As to these, see the transport section below.

²⁶³ ID21 p. 24.

of 2m, most pedestrians and motorists will not have a view into the Site other than when passing the access itself.²⁶⁴ Moreover, as Mr Cook made clear, the BKF planting will bisect any open space on the BKF frontage with a hedge and trees, reducing views of the Development.²⁶⁵ VP2²⁶⁶ is the view from the A229 facing the entrance to TP1. Most of the vegetation will remain – though the canopy will be cut back. The line of sight will go diagonally across open space so, as a motorist, there would be a fleeting opportunity to see TP1, the Development in the middle distance and BKF in the far distance.²⁶⁷ The impacts on VP1 and VP 2, though major, are neutral.

51. Mr Cook added VP11 opposite the proposed access, to provide a view as to what a motorist travelling northbound along the A229 would see. There will be a gap, of approx. 24-25m after hedgerows have been re-established behind the visibility splays. The built form is set 40-50m back from the road, and there will be a significant amount of planting. He concludes the opportunity therefore to gain sight of the dwellings in the Development would in fact be quite limited. What one would see is not out of keeping or character with what local people see associated with Cranbrook nor the resultant BKF development – a point made by Mr Duckett, the Landscape and Biodiversity Officer, and with which Mr Cook concurred.²⁶⁸

52. Turning to the views from FP WC115: VP3²⁶⁹ shows the view from footpath WC115 across what will become TP1. The baseline already therefore shows a view of dwellings. The Development²⁷⁰ adds relatively little beyond what is already the existing baseline – one or two roofs in the first year – and once the planting has

²⁶⁴ Mr Cook EIC Day 5 PM 2.

²⁶⁵ XX by Mr Byass Day 6 AM 1. However, contrary to the suggestion by Mr Byass, it is not the case that any landscaping on the edge of BKF would have that same effect. Currently, as Mr Cook outlined, there is a hard edge proposed to BKF, which will be apparent if the Development is not consented: Mr Cook XX by Mr Byass Day 6 AM 1.

²⁶⁶ ID21 p. 25.

²⁶⁷ Mr Cook EIC Day 5 PM 2.

²⁶⁸ ID21 p. 42, Mr Cook EIC Day 5 PM 2.

²⁶⁹ ID21 p. 26.

²⁷⁰ ID21 p. 27.

had 15 years to take effect, both TP1 and the Development will be largely hidden.²⁷¹ As to VP4,²⁷² BKF will be clearly visible in the baseline even if you refuse consent²⁷³ - one sees BKF, or one sees the Development, but both sit in the same plane with the same backdrop and cover roughly the same ground.²⁷⁴ Once the hedgerow is established, one will see neither²⁷⁵ - though we note Ms Marsh's views in XX that she would rather see the housing than the hedgerow, and notwithstanding that this hedgerow restores an historic field boundary.²⁷⁶ In XX, Ms Marsh sought to refine her view of the impact here, suggesting that - notwithstanding the BKF and TP1 consent - what would be lost are "glimpses through the hedge over [TP1] and up to Greensand Ridge."²⁷⁷ This is simply not, we say, the significant issue she suggests it is. The impacts on these viewpoints are beneficial (moderate for VP3, major for VP4).

53. Turning to those receptors who walk along FP WC 116, it was agreed by Ms Farmer that the most significant views from this footpath are at VP6.²⁷⁸ Here we see again the difference between the baseline, year 1 and year 15 is not significant. The vast majority of the proposal is heavily filtered by proposed tree cover, and it appears in a context where one already sees properties in Orchard Way, BKF and TP1. The tree cover is mature already and so unlikely to get larger. Mr Cook very fairly accepted that in winter there would be some more visibility, but that is equally

²⁷¹ ID21 p. 28, Mr Cook EIC Day 5 PM 2.

²⁷² ID21 p. 29.

²⁷³ As Ms Farmer accepted under XX by JM, Day 2 AM 2.

²⁷⁴ Mr Cook EIC Day 5 PM 2.

²⁷⁵ ID21 p. 31.

²⁷⁶ Day 3 PM 2. This seems to somewhat conflict with the fact that she accepted in XX by Ms Lambert that the hedgerow is being placed to restore a historic hedgerow, and that in Ms Marsh PoE (CD23.4.1) para.9.7 she says reinstating historic hedgerows can be a positive. In any case, as Mr Duckett outlined (Day 4 PM 1), if it is thought better by all that the hedgerow be maintained to a smaller height, it can be done. It is not the case - contrary to Ms Marsh's suggestion, that it is there to 'hide' the development.

²⁷⁷ Day 3 XX PM 2.

²⁷⁸ ID21 p. 33-35.

true of the TP1 and BKF schemes – and the Development would read seamlessly as part of those.²⁷⁹ The impact is moderate and neutral.²⁸⁰

54. As to the views of the Development across the open space in BKF, as Mr Cook outlined in EIC even on the BKF parameters plan one can see the open space between BKF and Hartley Road shows an area identified as open space, subdivided into two parts with a hedgerow, and that hedgerows will run along the interface between BKF and the Development. So any views in that direction toward the Development will be heavily filtered and framed by planting in the foreground and middle distance.²⁸¹

55. You will also recall Mr Cook's evidence dealing with certain of the views from the draft NP (raised by Ms Marsh and Ms Farmer for the first time in their oral evidence).²⁸²

56. So, overall, Mr Cook considers the degree of visibility of this development is in fact remarkably limited, and where the proposal can be seen it will be in the context of TP1 and BKF.²⁸³

Cumulative effects

²⁷⁹ Mr Cook EIC Day 5 PM 2. To avoid confusion, this does not mean that Hartley would seamlessly read as part of Cranbrook, which was put to Mr Cook in XX. As Mr Duckett outlined, physical separation remains (the two are not joined), nor is there any perceived coalescence as one cannot see Hartley and Cranbrook in the same view: Day 6 AM 2. Moreover as Mr Cook made clear, the portion of winter where there is no foliage on trees is, at most, four months out of the year: RX Day 6 PM 1. It was only in respect of VP6 that any suggestion was made that winter views would be greater.

²⁸⁰ Mr Cook PoE Appendix 13. He explained his view that it is neutral, rather than adverse (per the LVIA) in XX by Ms Tester: in his view the Development is in line with the AONB DG, meaning that residential properties should be good enough to be seen – which these are: XX Day 6 AM PM 1.

²⁸¹ Mr Cook EIC Day 5 PM 2.

²⁸² ID21 p. 47-51. In short: draft NP VP25 looks away from any proposed development. Draft NP VP26 looks west across the valley. BKF will sit in this. Mr Cook considers that the degree of effect will be limited from this view based on previous analysis of the baseline and year 1 photomontages. Draft NP VP27 looks toward the area allocated as part of the BKF and the Corn Hall site allocation. There will in any case be development in the middle distance of that view. Draft NP VP35 – this is simply the photo taken today of VP4, discussed above, and not taking any account of BKF.

²⁸³ Mr Cook EIC Day 5 PM 2. See too Mr Cook PoE (CD23.1.7) para. 8.1 – 8.42.

57. Given that BKF and TP1 form part of the baseline for analysis, it is clear from the above that Mr Cook has considered cumulative effects of the Development, TP1 and BKF. However, for the avoidance of all doubt, given this is something raised by the Rule 6 Parties, we deal with it briefly:-

- (i) With regard to the cumulative effect on landscape elements: TP1 does not involve the loss of any notable landscape features given it is essentially redevelopment of previously developed land, and includes large elements of green and blue infrastructure. The BKF site is currently unmanaged grassland which is reverting to scrub, and which will be replaced by significant areas of new quality grassland and a small orchard, with the introduction of significant numbers of new trees and native shrub planting, and new wetland areas. The Development we have covered above. Overall, Mr Cook concludes that all three schemes, when considered cumulatively, would result in net gain and beneficial affects with regard to tree cover, hedges, water features, and public access, with only minor adverse effects on topography. So, a net beneficial effect for most landscape features.²⁸⁴
- (ii) With regard to the cumulative effects on landscape character: with the exception of some limited vehicular access and pedestrian access requirements, none of the three schemes rely on off-site works to enable the projects to be implemented. So, the physical fabric of the landscape beyond the Site would remain essentially unchanged and the physical character of the surrounding landscape beyond the Site would remain unchanged. Within the bounds of the three sites, BKF would change from fields and scrub to a residential neighbourhood and associated green spaces, which appear broadly naturalistic in appearance with features such as meadow, hedges and tree cover - all of which are local landscape features and assist in defining the countryside. It would read as part of Cranbrook. TP1 involves the redevelopment of a developed site, from a former horse riding facility with some commercial storage²⁸⁵ to an attractive residential

²⁸⁴ Mr Cook PoE (CD23.1.7) para. 10.5-10.8 and Mr Cook EIC Day 5 PM 2.

²⁸⁵ See e.g. Mr Scully's PoE (CD23.2.4) para. 4.2.

neighbourhood within a landscape framework of open spaces. The Site is currently derelict pony paddocks, exhibiting little that is typical in defining the local landscape character area as a fruit belt. Ms Farmer accepted in her own EIC that TP1 had become the new edge of Cranbrook.²⁸⁶ TP1 and BKF would have a strong urbanising influence over the DA. The land would, therefore even absent the Development, read as an urban fringe environment rather than deep countryside, currently occupied by derelict paddocks detracting from the local character area. However, the introduction of the Development would create a residential neighbourhood with green spaces across the DA, changing it from urban fringe to an attractive residential area linking to and complementing both TP1 and BKF. The additional effect therefore would be neutral, Mr Cook considers, rather than adverse with regard to the DA. The WLH would deliver substantial green infrastructure and have a net beneficial effect. Mr Duckett agrees.²⁸⁷

- (iii) With regard to general visual amenity, As Mr Cook outlines the visual envelope from the introduction of BKF does extend south westwards and south eastwards to an extent, but remains confined within the topography of the Crane Valley and settlement of Cranbrook. The introduction of TP1 results in a further visual envelope extension, overlapping in part with the BKF scheme, but also falling within the Crane Valley. As we have already outlined, the introduction of the Development on top of that does not result in any extension of the visual envelope - and where the Development is observed it is usually filtered by vegetation, only seen in parts, and this is almost always in the context of TP1, BKF and other housing. Taken cumulatively, Mr Cook considers the Development does not materially increase the degree of visual effect over and above the baseline.²⁸⁸

Overall

²⁸⁶ Ms Farmer EIC Day 2 AM 1.

²⁸⁷ Mr Cook PoE (CD23.1.7) para. 10.9-10.13, Mr Cook EIC Day 5 PM 2.

²⁸⁸ Mr Cook PoE (CD23.1.7) para. 10.14-10.18, Mr Cook EIC Day 5 PM.

58. There is a lot to take in on the landscape section. However, we say that the Development is exceptional. In this regard, there is an exceptional design, and an exceptional amount of enhanced and permanently secured green infrastructure proposed. Even Ms Farmer recognises there is a substantial significant benefit flowing as a consequence of the wider green infrastructure. Mr Cook says the built environment and the green infrastructure are in keeping with the character and appearance of the area.²⁸⁹ Mr Duckett agrees.²⁹⁰ See, too, the analysis in the Officer's Report ("OR").²⁹¹

59. While we are dealing with overall points, we remind you that as a consequence of Ms Farmer's analysis, she purports to consider whether the Site could accommodate "some" development and concludes the Site cannot accommodate development without giving rise to adverse effects on landscape and settlement character.²⁹² You will recall in XX she sought to "clarify" this, (or, we say, completely resile from an untenable position) by suggesting she is analysing whether the Site can accommodate "this quantum" of development. She accepted that the Site can accommodate some form of development - she just cannot tell you what.^{293,294}

60. Ms Marsh's analysis was in all respects a complete outlier. She considered the effects adverse, of high magnitude and of major significance, although - as mentioned - provided no explanation as to how she had reached these conclusions.²⁹⁵

Heritage

Introduction

²⁸⁹ Mr Cook EIC Day 5 PM 2.

²⁹⁰ Mr Duckett PoE Section 8.4.

²⁹¹ CD7.1 paras. 10.85-10.166.

²⁹² Ms Farmer PoE (CD23.5.1) para. 185.

²⁹³ Ms Farmer XX by Mr Maurici Day 3 AM 1.

²⁹⁴ We also note that not all in the Parish think the Site is unacceptable for development. Councillor Warne was, of course, a member of the Crane Valley Land Trust ("CVLT") at that time, as was Ms Gill and Mr Kemp (who also spoke against this proposal). The CVLT sought to buy and promote the Site for mixed housing and employment land.

²⁹⁵ Ms Marsh PoE (CD23.4.1) para.2.2.

61. You heard from Dr Miele, Ms Salter, and Mr Page. NE did not provide heritage evidence or advance a heritage case.²⁹⁶ Ms Marsh is also not appearing as a heritage witness although parts of her evidence strayed into that territory on which she is not qualified to give evidence.
62. Mr Page was simply not a reliable witness. In fairness to him, he does rightly acknowledge that the Applicant has conducted a detailed and thorough analysis.²⁹⁷ However, he then proceeds to disagree with the outcomes of the Applicant's analysis, and does so in a manner which is simply unsupportable: (1) failing to give the necessary professional affirmations;²⁹⁸ (2) supporting CPRE's suggestion that the Applicant's position on harm has very recently "shifted"²⁹⁹ when that is demonstrably untrue;³⁰⁰ (3) referring to Cranbrook as itself being a heritage asset³⁰¹ from which he later resiled;³⁰² (4) suggesting the setting of the Cranbrook Conservation Area ("CA") itself was a non-designated heritage asset (from which he also then resiled);³⁰³ and (5) suggesting Dr Miele was not in line with the position expressed by Historic England ("HE") in their consultation responses,³⁰⁴ notwithstanding the fact that HE do not in fact express a view on the impacts on either the CA or Goddard's Green listed buildings (the only two heritage assets Mr Page sought to analyse).³⁰⁵

²⁹⁶ Ms Farmer XX by Mr Maurici Day 2 AM 2.

²⁹⁷ SP PoE para. 4.9, 6.1 reaffirmed under XX Day 7 AM 1.

²⁹⁸ XX Day 7 AM 1, and they were not even asked for in RX.

²⁹⁹ ID05 para. 7.

³⁰⁰ The Applicant's statement of case makes *quite* clear there is no harm (CD9.03 para. 8.11-8.12; XX Day 7 AM 1). Moreover, there is very little daylight between DHA's position that there was negligible harm, and Dr Miele's position that there is no harm: CD5.8.1 electronic pages 23, 29, 30; Dr Miele PoE (CD23.1.2) para. 6.38. The NPPF simply does not recognise negligible harm – an impact is either harmful, or it is not. This was a point very clearly made by Dr Miele in EIC: Day 8 AM 1.

³⁰¹ Mr Page PoE (CD23.3.2) para. 3.1, 5.9, 6.2.

³⁰² Day 7 AM 1. He half-heartedly suggested it could be considered a non-designated heritage asset.

³⁰³ Mr Page PoE (CD23.3.2) para. 3.1, Day 7 AM 1.

³⁰⁴ Mr Page EIC Day 6 PM 1, consultation responses at CD6.6.1 and CD6.6.2.

³⁰⁵ As Dr Miele made clear, from his own experience of HE, had they identified harm to heritage assets (in particular the Grade II* Goddard's Green Farmhouse), or a high degree of Less than Substantial Harm to the CA or other assets, they would have said something. Dr Miele EIC Day 8 AM 1, Dr Miele XX by Mr Wotton Day 8 AM 2. Nor, contrary to the suggestion of Mr Wotton in XX, would HE simply waive things through: Dr Miele XX by JW, Day 8 AM 2.

63. Mr Page’s substantive analysis of the CA and the development’s impact thereon was equally poor: (1) he suggested the CA’s character is defined by its relationship to the landscape notwithstanding that is one of eleven characteristics set out in the CAA,³⁰⁶ much of the remainder concerns built form; (2) he suggested in EIC TWBC³⁰⁷ “overrode” the views of the Conservation Officer when they simply applied the relevant tests in the NPPF;³⁰⁸ and (3) he suggested the harm to the CA was on the border between Less than Substantial Harm (“LTSH”) and Substantial Harm (“SH”) ³⁰⁹ where the latter implies an impact such that the significance of the heritage asset is vitiated or reduced, leaving it a husk with no intrinsic value.³¹⁰ To be very clear, Dr Miele considers there to be no harm, but even Ms Salter (who says that there will be some, mitigated, harm) clarified in EIC that she considers this toward the mid to higher end of LTSH, certainly nowhere near the highest end.³¹¹ Mr Page’s view is simply not credible where:

- (i) there is no direct impact on the CA (all that is alleged is setting impact);
- (ii) the CAA refers to a rural setting which is ‘contiguous’ with the CA – and the Site plainly is not, having been separated from it by BKF, Corn Hall, and other housing. Nor is the Site part of the CA’s ‘adjoining landscape’;³¹²
- (iii) It is agreed the Site has no formal orientation toward the CA;³¹³

³⁰⁶ CD12.10 para. 3.1.

³⁰⁷ Day 6 PM 2.

³⁰⁸ In XX it became clear that he simply disagreed with the weight given by TWBC to that harm: Day 7 AM 1. As Ms Salter correctly explained, TWBC is obliged to, and did, apply the NPPF policies in the round, taking into account her views: MS Salter RX Day 7 AM 2.

³⁰⁹ Day 7 AM 1.

³¹⁰ *Bedford BC v SSHCLG* [24]-[25] CD20.2. See Dr Miele’s colourful explanation in Dr Miele RX Day 8 PM 1.

³¹¹ Day 7 AM 2. Ms Salter explained that the harm relates to character of the area rather than appearance, and mitigating elements include the substantial buffer to Hartley Road so that built form is hidden by slopes, the design of the Development and (for example) its reference to local distinctive architectural materials, and the landscape enhancements in the WLH. She further clarified in XX that the design references farmstead character, loose-grain development which is appropriate to the rural settlement pattern within the area, and the built form and landscaping which take reference from local distinctiveness.

³¹² Cf Mr Page PoE (CD23.3.2) para. 5.9. Mr Page suggests that the Site will ‘complete’ the separation between the countryside and the town area – again we say that is manifestly wrong and Ms Salter also disagrees with Mr Page on this: Day 7 AM 2.

³¹³ Day 7 AM 1. Contrary to a suggestion by Mr Wotton to Dr Miele in XX, that is a material factor to consider when one looks at rural landscapes. See Dr Miele’s response in XX Day 8 AM 2.

- (iv) Whereas Dr Miele states that the land does not contribute anything to the experience of the CA by reason of its views,³¹⁴ Mr Page has not undertaken any assessment of views or analysed the ZTVs so is not in a position to dispute that.³¹⁵ Ms Salter also noted that there are no direct views between the CA and the Site;³¹⁶
- (v) Mr Page fails to follow the guidance set out by HE, failing to undertake the first two stages they required.³¹⁷ Even then his analysis is sub-standard, referring to noise impacts (from traffic and from the residential use) while not having reviewed (a) the noise assessment (b) the careful consideration of noise in the OR (c) the traffic assessment or (d) the impacts of noise from the consented BKF and TP1;³¹⁸
- (vi) He refers to light spill from night-time traffic movements and incidental effects, again despite not having reviewed (a) the traffic assessment or (b) *any* documentation the Applicant produced to deal with lighting;³¹⁹
- (vii) He suggests the Development will lead to the removal of one of the last “green wedges” reaching into the town.³²⁰ The Site does not form part of such a green wedge - lying between it and the CA are both BKF and the Corn Hall allocation. The perimeter of the town is now, at the very least, BKF - as Mr Page agreed.³²¹ Again, this is something with which Ms Salter expressly disagreed in EIC.³²²

64. We also note that notwithstanding that neither Ms Farmer nor Ms Marsh appeared as heritage witnesses, Mr Page suggested that he had not provided evidence on

³¹⁴ Dr Miele PoE (CD23.1.2) para. 6.18.

³¹⁵ Day 7 AM 1.

³¹⁶ EIC DA7 AM 2.

³¹⁷ Mr Page PoE (CD23.3.2) para. 5.1.

³¹⁸ Day 7 AM 1.

³¹⁹ Day 7 AM 1. (To be fair to Mr Page he said he had not reviewed the latter ‘In detail’).

³²⁰ Mr Page PoE (CD23.3.2) para. 5.7.

³²¹ Day 7 AM 1.

³²² Day 7 AM 2.

the historic landscape so as not to duplicate their evidence.³²³ We ask that this evidence be rejected in its entirety.

65. Against that background you only have Dr Miele and Ms Salter's evidence to weigh. There are some differences between them which we deal with below, but largely Dr Miele's evidence has not been the subject of any significant or *serious* challenge. He is an extraordinarily experienced heritage witness with a CV that speaks for itself.³²⁴ He was not involved in the application, and has undertaken an entirely fresh appraisal of the heritage impact of the Development.³²⁵ He has confirmed that, overall, his view is that there is no harm to any significant historic resource – whether the CA, the listed buildings or (for the sake of argument), the landscape.³²⁶ In this, he disagrees with the relevant Environmental Statement (“ES”) chapter which identifies a slight adverse indirect effect on the CA and moderate indirect adverse effect on Goddard's Green Farmhouse. We do not hide that, we rely on his evidence and submit that is correct. If you disagree with Dr Miele on that small point it remains something to take into account in the planning balance with which we deal below.

66. Given the lack of any serious challenge to Dr Miele's evidence we do not intend to deal with it in the same level of detail as the landscape evidence you have heard. We rely on Dr Miele's evidence written and oral. Taking matters in summary form, broadly there are two things to consider – the first is the impact of the proposal on fieldscape, and whether / to what extent there is medieval landscape on the Site and (if so) what the impact is. The second is an examination of the above ground assets – the CA and three buildings in issue – to identify the harm thereon.

Fieldscape

67. Neither Dr Miele nor Ms Salter agreed with HE's suggestion that the “surviving historic landscape character of dispersed farmsteads surrounded by a network of

³²³ SP RX, Day 7 AM 2.

³²⁴ See Dr Miele PoE (CD23.1.2) Summary paras. i-v, and Appendix 1.

³²⁵ EIC Day 8 AM 1, Dr Miele PoE (CD23.1.2) Summary x-xi.

³²⁶ Dr Miele PoE (CD23.1.2) Summary paras. xii-xxv.

field systems is a non-designated heritage asset".³²⁷ It is simply wrong; and does not appear to have been a point that was ever taken by anyone objecting to BKF or TP1.³²⁸ However, Dr Miele nevertheless considers the impact on the field systems as an aspect of landscape character that reflects the time-depth of the AONB.³²⁹

68. As Dr Miele outlined, the basic question is whether and to what extent the Site demonstrates a medieval organisation of the land, in terms of both fieldscape and farmstead (given the two are interrelated).³³⁰ It is not contentious to say the historic pattern of the High Weald is comprised of two elements: dispersed farmsteads, and urban towns and villages. Taking each in turn:

- (i) Dispersed Farmsteads comprise a single family living in a farmhouse with associated buildings and fields.³³¹ The dispersed farms came first and interact closely with the topography of the area³³² - the pattern is medieval, widespread, and characteristic of the historic settlement pattern. Looking in detail at what is meant by a 'farmstead', this is defined by reference to its buildings only.³³³ We must however also be conscious of two types of field:
 - a. Assarted fields (fields that have been cleared from woodland) which can be identified by their irregular shapes; and
 - b. Consolidated strip fields, which are broadly rectangular in shape, with curving longitudinal boundaries and often a dog leg.³³⁴ These fields

³²⁷ CD6.6.2 p. 2; it seems that having not objected this further letter from HE followed the intervention of Ms Marsh (Ms Marsh XX by EL, Day 11 PM 2).

³²⁸ See e.g. CD18.02, CD18.05. Also note it was not part of the AONB Unit's objection in this case - CD6.5.

³²⁹ We can conveniently deal here with two further points that arise. (1) It was suggested that if it was a non-designated heritage asset, this would change the way it was protected under the NPPF. Dr Miele disagreed, noting the AONB already gives great protection to an area: XX by Mr Wotton Day 8 AM 2. (2) It was also suggested that if the Site is a non-designated heritage asset, it would suffer SH by being completely removed. Again Dr Miele disagreed, noting all of the individual features which could be of potential interest are retained. Any harm coming from a change of use in land may be landscape or planning related but are not heritage related: XX by Mr Wotton Day 8 AM 2.

³³⁰ Dr Miele EIC Day 8 AM 1.

³³¹ See the discussion in CD16.06 and 16.23. And *Cf* as Dr Miele outlined, the situation in the Midlands where one had nucleated settlements of farmsteads with common stripfields immediately adjacent.

³³² Here, the topographical unit is the cross section going from Hartley Road to Crane Valley.

³³³ See CD12.09 Farmsteads Assessment Guidance SPD (2016) p.9 third paragraph, and p. 10 para. 1.15.

³³⁴ See CD16.22 p. 25.

were farmed by oxen pulling ploughs along a series of rows. As Dr Miele outlined these are not common in the High Weald (where they were farmed in common by prosperous peasant farmers), and can be difficult to spot because there is a lack of ridge and furrow.

- (ii) The second is urban towns and village. The towns and villages come later – C13-C15, and have a broader economic base than the farmstead units. Cranbrook, for example, grew and prospered through the manufacture of woollen broadcloth in the second half of C15.

69. Dr Miele outlined that he could not see any evidence of consolidated strip fields either on site or in the parish.³³⁵ He has sought to check this in four ways, namely through:

- (i) Documentary sources (such as enclosure papers, medieval charters), but as he explained there is no documentary evidence that assists;
- (ii) Examining field names. However again as he explained there is no evidence of field names in such usage.³³⁶
- (iii) Cartography and map regression, beginning with the tithe map and working forward.³³⁷ He did highlight where consolidated strip fields *may* have been,³³⁸ but these were not present in the Site. We also simply remind you of the very helpful walkthrough he provided of how the boundaries of the fields had changed over time,³³⁹ such that by 2020 there has been

³³⁵ Contrary to what is suggested at CD16.22 p. 26, which he explicitly highlighted in EIC.

³³⁶ See in particular the names in ID26 p.2, which as he explained in EIC were prosaic.

³³⁷ See ID26 p1-5. You will recall the lengthy exercise with Ms Tester in XX where she looked through certain field boundaries. Dr Miele disagreed with many of her assertions but we don't go through them blow by blow. The point is his opinion remains unchanged and it is to that regard should be had. XX Day 8 AM 3.

³³⁸ ID26 p1, e.g. look for the field which appears to be labelled A58, to the south of the Cranbrook settlement running east to west.

³³⁹ For example: he catalogued where the boundaries between the fields had been lost by the 1840s (ID26 p. 3, see the dotted lines between fields 13,14,16 and 7 and 8); outlined how the Brown Map of 1810-1811 (ID26 p.4) shows something which may have been a fossilised strip field (Field 79) but that no longer exists; and explained how in 1893 the fields on the boundary with Hartley Road were transferred away, resulting in the farm losing half of its original frontage and various hedgerows were removed leading to the creation of larger fields by amalgamation.

considerable loss: a ditch in the north field but nothing remains which Dr Miele would consider substantial or indicating any sort of antiquity.

- (iv) Field surveys. He could not see any, for example, any ridge and furrow. Suggestions by Ms Tester that because there are dog legs in some of the fields they must be composite strip fields were soundly rebutted – as Dr Miele pointed out these octangular fields do not have the S curve which is a defining feature.³⁴⁰

70. When all that is considered Dr Miele takes the view that while the basic framework of what is discussed is medieval – from the woodland at the bottom to the frontage consisting of an old hedge at the top – the extent of both the field loss and the farmstead has seriously eroded it as a component of historic character, reducing its significance to no more than local at best. He does not consider the contention that this is medieval can be sustained. This is a conclusion he shares with the ES and Mr Duckett.³⁴¹ The AONB Unit argues otherwise, basing this largely on the 2017³⁴² and 2020³⁴³ reports of Dr Bannister. However, as Dr Miele outlined:

- (i) Put broadly, Dr Bannister’s report(s) is a Historic Landscape Characterisation. This is a broad brush approach – it has to be – based on first edition OS maps rather than tithe and parish maps. Its dataset is, therefore, limited.
- (ii) This compares with the more detailed work Dr Miele has undertaken. His work is also more recent – Dr Bannister does not, for example, take account of the fire that destroyed the listed farmhouse in the TP1 site. Contrary to the simplistic explanation of the AONB Unit Dr Miele is not inviting you to give his opinion ‘more weight’ than Dr Bannister’s, but simply to recognise the shortcomings of that evidence.³⁴⁴

³⁴⁰ XX Day 8 AM 3.

³⁴¹ Mr Duckett PoE p. 12-13.

³⁴² CD16.22 p. 26.

³⁴³ CD6.5.1 p.7.

³⁴⁴ XX by Ms Tester Day 8 AM 3.

- (iii) So, the map on which the AONB Unit relies which identifies Turnden in yellow³⁴⁵ as an example of a medieval field system is not only wrong, but clearly adopts alignments and boundaries which are not the same as exist on Site today. The map also, very fairly, acknowledges that all information is “provisional”³⁴⁶ and that “individual site based assessments are recommended.” That site based assessment has now been undertaken by Dr Miele and the conclusions are those set out in his evidence.
- (iv) The AONB Unit bases their view again in part on the notion that Turnden is surrounded by consolidated strip fields.³⁴⁷ Again this is something Dr Bannister suggests – both in her March 2017 Report and again in the April 2020 Historic Landscape Assessment. For the reasons already outlined Dr Miele does not accept and further notes that the April 2020 report draws on her previous work and online material – she was unable to visit, for example, county and local libraries, or perhaps most crucially the Site itself.³⁴⁸
- (v) Indeed as Dr Miele highlights there is a tension in the AONB case – if the characteristic pattern of the High Weald is individually owned farmsteads, a consolidated stripfields are not part of that pattern as they represent shared agricultural practice; so any surviving stripfields are interesting, but not an example of individual farmsteads.³⁴⁹

71. In short, it was suggested that his evidence conflicts with HE’s position, with his evidence on the Turnden landscape, and with the (lengthy) series of questions put

³⁴⁵ CD16.04, also ID 26 p7.

³⁴⁶ It was put to Mr Cook in XX (Day 6 AM 1) (though we note not to Dr Miele) that the “update” to this is Dr Bannister’s 2020 analysis. That is not right for the reasons set out below in sub-paragraph (iv).

³⁴⁷ ID26 p.9.

³⁴⁸ CD6.5.1 p.2: “The report looks at the history of the landscape using key sources, such as the Revised HLC for Tunbridge Wells, historic map regression and secondary sources. Due to the timing of this piece of the work and the Government Restrictions on movement, the author was unable undertake a visit to the county record office, the county and local libraries, Cranbrook Museum nor make any site visit. Thus the report draws on previous research work by the author and on-line material.”

³⁴⁹ Dr Miele RX Day 8 AM 3.

to him by Ms Tester on historic field boundaries. To reiterate his answer: “No, no, and no”.³⁵⁰

72. Moreover, Dr Miele did make clear that: reinstating historic hedgerows and the shaw in the southern fields is beneficial to the time-depth character of the AONB;³⁵¹ that reinstating Tanner’s Lane would be beneficial in heritage terms, as it expresses something of the history of the Site that currently is not present;³⁵² and that such components of the fieldscape that still survive are largely being retained, and some enhanced. All of which, as Mr Pullan outlined, can be secured over the lifetime of the Development by the LEMP.³⁵³

Above Ground Assets

73. Turning to the above ground assets, as Dr Miele outlined, this is a ‘setting’ case – so we must identify the significance of the asset, then consider what contribution to that is made by the setting of that asset and its appreciation. Should you find Less than Substantial Harm (“LTSH”) (and we note no party here argues for SH), it is a matter for you and the Secretary of State precisely where within the broad spectrum of LTSH the impact lies.³⁵⁴ You must ask what the significance of the asset is and, if development is carried out, how much of that is removed. As we are dealing here with setting – i.e. the area in which an asset is experienced – one looks primarily at visual impacts. That is of course not to say one rules out other impacts – other intangible concerns, such as historic connections – may well be relevant, as might other sensory ones (such as smell).³⁵⁵

74. Starting with the CA, Dr Miele notes:

³⁵⁰ Dr Miele XX by Ms Tester Day 8 PM 1.

³⁵¹ RX Day 8 PM 1.

³⁵² RX Day 8 PM 1, and see SP PoE p. 43, Dr Miele PoE p. 28 Fig 5.10.

³⁵³ RX Day 8 PM 1.

³⁵⁴ The spectrum runs from low, to the border with SH. As Dr Miele outlined, while the NPPF does not recognise calibration, para. 18 of the PPG does and this is the approach taken by all professional practitioners – EIC Day 8 AM 1.

³⁵⁵ For all of the above, see Dr Miele EIC Day 8 AM 1.

- (i) A question was asked whether the Site is part of the setting of the wider town. Assuming that by 'town' is meant 'CA',³⁵⁶ Dr Miele was clear that his opinion is to approach the question as if the Site *was* part of the setting. That did not change the following analysis.³⁵⁷
- (ii) There is no intervisibility between the proposals and any part of the CA (or indeed Cranbrook as a whole).³⁵⁸ So, this is a case where one is dealing with parts of the setting which are associational or intangible. In that regard, the HE Guidance on the setting of heritage assets³⁵⁹ makes clear that that views are important, and other considerations include character and use of land, historical relationships, and history and degree of change over time. The degree of change has been significant, as BKF and TP1 represent a significant change to the setting on this side of the CA.
- (iii) The CAA³⁶⁰ would tend to indicate that the effect of this parcel of land on its setting is minimal at best.³⁶¹

³⁵⁶ The questioning by Mr Wotton appears to have confused the concept of Cranbrook generally with the concept of the CA, which itself appears to have stemmed from the conflation of the two which Mr Page had to resile from in XX.

³⁵⁷ XX by Mr Wotton Day 8 AM 2.

³⁵⁸ ID26 p. 11. It was suggested by Mr Wotton in XX that Dr Miele had not considered kinetic views. Dr Miele – one of the key architects of the London View Framework – explained very clearly that he had not committed any such oversight. Even kinetically there is no point at which one views the heritage assets and the Site in the same view, and although one might pass from one to the other there are limits to how memory affects what one perceives, especially in an urban environment. It was next suggested that one could see the CA, and the Site, from views from (e.g.) Footpath 95 at Mt Ephraim. Dr Miele pointed out that when seeing a heritage asset from a distance on a footpath one needs to see what is special about the asset in order for that to be something which could be interfered with; it is not enough simply to see the settlement. Whatever the views from a distance, TP1 and BKF are already influencing it. Moreover the 1970s cul-de-sac development and interwar housing provide an introduction to the settlement so the approach to the CA is not 'pristine' from a heritage perspective. Dr Miele XX by Mr Wotton Day 8 AM 2.

³⁵⁹ CD5.1.

³⁶⁰ CD12.10.

³⁶¹ We note the following five points: (1) The first bullet point – on which SP relied, refers to the rural setting and green spaces "within, and contiguous to" the CA. The fields here are not contiguous to it; (2) The CAA recognises that screening can be an effective way of mitigating impacts (see para. 4.8); (3) The CAA suggests a key characteristic is the network of alleyways which allow "glimpses of what lies beyond" the CA – but there are no such glimpses of the Site; (4) The CAA refers to the rural ambience on entering the town from the South-west (see para. 6.11). Again this is not affected as there are no views of the Site; (5) The CAA divides the CA into sub-areas, and where the rural character contributes to the CA it is expressly said so (see e.g. E.g. Sub-area A, para. 74, sub-area B para. 7.13). There is no such suggestion for sub-area C, which is most proximate to the Site (see e.g. para. 7.29). We note the CAA para. 7.81 refers to a "field" marking the edge of the Green Wedge abutting area F. That is not this site.

(iv) So, Dr Miele did not find any reference to the application Site in this document. This is a document which identifies specific instances where green space is important to the CA, and puts the CA into its historical context. As Dr Miele outlined, generally isolated farmsteads were simply not part of the town economy – they were independent of the towns and that was rather the point.³⁶² Nor can any part identify a specific link between this farmstead and Cranbrook – even the full MA thesis fails to do that.³⁶³ Nor could Dr Miele identify any impact on any second component identified as significant. He therefore concludes that the Site does not contribute to the setting of the CA and cannot see it has any impact on the CA’s special interest. We say that is manifestly right.

75. As to the four listed buildings, we simply refer you to Dr Miele’s analysis in his proof of evidence³⁶⁴ which was not seriously challenged. Some minor points came out in XX on matters such as intervisibility³⁶⁵ and the extent to which the A229 is a significant factor in assessing Goddard’s Green³⁶⁶ but we simply commend his evidence to you.

Transport

76. Neither TWBC nor the Local Highway Authority (Kent CC) maintained an objection on highways grounds.³⁶⁷ By way of very quick reminder as to what this

³⁶² There was some suggestion in XX by Mr Wotton that there was a functional connection here because Cranbrook was a cloth hall town and sheep grazed the fields. Dr Miele however explained that for it to be relevant and create a setting relationship for planning purposes such a connection must be tangible, evidenced, and distinguishable from the generality of what is surrounding the asset. There is nothing, here, to distinguish any field on the Site from any other field in the parish. Moreover the history of Turnden did not identify a particular relationship between the Site and Cranbrook. Sheep-farming is not an identified theme and both pastoral and arable uses would change over time. XX by Mr Wotton Day 8 AM 2.

³⁶³ ID22.

³⁶⁴ Dr Miele PoE Section 7.0.

³⁶⁵ ID26 p. 11, and see Dr Miele’s addendum proof of evidence CD23.6.7 appendix 3.0 responding to a suggestion otherwise. This, as explained in XX, was put together to respond to suggestions by others, but he maintained Goddard’s Green did not register as a significant feature in that view, and the foreground of that view contains the 70s-80s -cul-de-sac north of the war memorial. The Site is entirely peripheral to that view of Goddard’s Green farmhouse, and one could not discern or appreciate its special characteristics at that distance. XX by Mr Wotton Day 8 AM 2.

³⁶⁶ XX by Mr Wotton Day 8 AM 2.

³⁶⁷ KCC’s formal withdrawal of its objection is at ID62

proposal entails: access will be via a right hand turning lane³⁶⁸ accompanied by traffic islands (measures which have been agreed by Kent CC and subject to a stage 1 safety assessment)³⁶⁹; we will widen a currently narrow footway on Hartley Road; we will be introducing a traffic signals upgrade scheme at Hawkhurst crossroads consisting of the introduction of on-crossing detection for pedestrians and MOVA;³⁷⁰ a sum to improve PRoW³⁷¹; we will be securing 24 EV chargers in private spaces, nine in communal spaces, and ducting in every other property;³⁷² and of course the proposal will have adequate cycle storage³⁷³. We have already made reference to the pedestrian and cycling routeways connecting the Development to TP1, BKF and from there to Cranbrook (whether via Corn Hall or otherwise)³⁷⁴ in the landscape section, but of course these have a transport implications too – both in terms of distance and (given concerns raised by CPRE about walking or cycling along the A229)³⁷⁵, with safety.³⁷⁶ Of course these changes must be read in a context where (a) there are already changes required to the A229 from TP1 and BKF that will improve safety (including a reduction in speed limit)³⁷⁷

³⁶⁸ Which TWBC agrees is a material benefit: CD9.01 para. 716

³⁶⁹ Without prejudice to the generality of that assessment, as Mr Bird explained in EIC (Day 9 AM 2) the right hand land and traffic islands have three positive effects: the lane itself will protect those turning right and prevent vehicles coming from behind ‘shunting’ those waiting to turn; the islands will prevent cars overtaking (something about which Ms Daly raised concerns) and as road width appears decreased speeds will reduce.

³⁷⁰ Mr Bird EIC Day 9 AM 2. A question was raised as to how safe this was for pedestrians – as Mr Bird outlined in XX this is already used commonly around the country and this type of scheme has been approved by DfT. XX by Mr Wotton Day 9 AM 2.

³⁷¹ ID30 p. 10.

³⁷² This goes further than the current legal requirements. A point was made by Mr Wotton in XX of Mr Bird that the government had announced an intention to go further and require an EV charging point for every new residential home. This was contained in a consultation response paper and has yet to become law – if it ever does so. Until then, as Mr Bird fairly outlined, this is an evolving market. Ducting is the major cost of installing an EV charging point and so installing that future-proofs the development. To go further than that would be a retrograde step, as it might provide the homes with tech that quickly becomes outdated. See XX of Mr Bird by JW, Day 9 AM 2. Precise numbers can of course be subject to condition if required.

³⁷³ Mr Bird EIC Day 9 AM 2.

³⁷⁴ ID30 p. 11.

³⁷⁵ This is not of course to suggest the Applicant accepts those criticisms – reported accidents in the area are in fact very low as Mr Bird made clear: Day 2 AM 2.

³⁷⁶ Ms Daly very fairly admitted in XX that such routes would, on any view, be safer for walkers and cyclists. Day 9 AM 1.

³⁷⁷ See ID30 Slide 5 for an illustration of the various schemes, slide 8 for the speed limit reduction.

and (b) BKF is consulting on its own proposed improvements, including providing new cycleways.³⁷⁸

77. So, in terms of sustainable transport:

- (i) It is agreed with Kent CC (and indeed Ms Daly) that most local facilities are within 2km of the centre of the Site, with the great majority being within c. 1.6km.³⁷⁹ These are within the parameters set by the *Manual for Streets*³⁸⁰, as Mr Bird outlined, not unusual distances for walking in a rural area,³⁸¹ and the cycling times are really quite short – all under 10 minutes.³⁸² Mr Bird says this is a highly sustainable location³⁸³ – and he is not alone in that either as a matter of expert opinion³⁸⁴ or policy.³⁸⁵
- (ii) There are, we say, good quality walking and cycling routes for users of the Development.³⁸⁶ This, of course, comes in a context where TP1 was consented without any of the routes through the Development or BKF being consented, and so was less sustainably accessible.³⁸⁷
- (iii) Putting aside walking and cycling, importantly, bus services *are* available. Ms Daly has outlined a number of criticisms of these, relating to frequency,

³⁷⁸ ID30 p. 14-15.

³⁷⁹ CD9.20 Table 3.2.

³⁸⁰ CD17.1 and see Mr Bird PoE Para 5.14-5.15. During oral evidence Ms Daly quoted an extract from the *Manual for Streets* (Vol 1) para. 4.4.1 appearing to indicate walkability was limited to 800m, however on XX by Ms Lambert it became clear that this was not so if one read the full paragraph. The relevant quote can now be found at ID31.

³⁸¹ Mr Bird EIC Day 9 AM 2. 'Rural' of course in traffic terms. As Mr Bird outlined different considerations apply when dealing with landscape matters. It is of course accepted that these are put together based on standard walking times of 80 meters per minute. However, as Mr Bird outlined in XX these are averages taken precisely because some will walk faster, and some slower than these. To the extent any point is taken that some (for example with children) may walk slower than this, we ask you to give it minimal weight. The use of standard times is the best tool available at the moment.

³⁸² And quicker with an electric bicycle.

³⁸³ Mr Bird RX Day 2 AM 2.

³⁸⁴ See e.g. the OR at CD7.01 para. 8.03; SoCG on Transport Issues CD9.20 paras. 3.16-3.17, Milestone Traffic Assessment CD5.4.2 paras. 345-347. We note too that TP1 and BKF were consented, having been found to be in sustainable locations: see CD 18.02 para. 10.139 and CD18.05 para 10.26.

³⁸⁵ This is listed in CD11.04 the Core Strategy as one of the most sustainable locations – see para. 5.129, and para. 4.5 Box 3 and 4. It is also, of course, a draft allocation in the emerging Local Plan.

³⁸⁶ A point was made by Mr Wotton in XX that cyclists may not cycle to Hawkhurst or Staplehurst along the A229. As will be seen below the best that can be done at the moment is models and predictions. As Mr Bird outlined some cyclists may well be confident enough to cycle the A229, others – such as Ms Daly – are clearly not so. However, bus services are available to both locations. XX Day 9 AM 2.

³⁸⁷ Mr Bird XX Day 9 AM 2, and see Mr Maurici XX of LD Day 9 AM 1.

price and the time they may take. The prices are overstated if one buys a season ticket.³⁸⁸ And the criticism of time³⁸⁹ overlooks the fact that it is a real benefit to have services available *at all*. We will come back to alternatives later but this is by no means a given in the rural context.³⁹⁰ It opens up travel possibilities for those without a car or second car,³⁹¹ and it should be borne in mind the reliability of the services will increase once the Hawkhurst signal junctions are in place.³⁹² This may well be combined with an increased frequency of service using the sums obtained from the BKF permission, which could increase bus patronage.³⁹³

- (iv) And to add to *all* of the above, a travel plan has been submitted with the application and agreed with KCC, including softer measures to encourage the use of sustainable modes of transport. Now, of course, we cannot legislate to force people to adopt more sustainable methods, but in the midst of a climate crisis, and against background where such plans have been proven to work in the past, where Mr Bird considers there are real opportunities to achieve a shift toward sustainable travel compared with the existing situation in Cranbrook,³⁹⁴ we submit this is a highly relevant consideration – one required and referred to by the NPPF.³⁹⁵

³⁸⁸ Mr Bird in EIC Day 9 AM 2 suggested that if one buys an annual season ticket the price falls to £4.67 per day.

³⁸⁹ You have of course Mr Bird's suggested routes and timings at ID28, large portions of which Ms Daly fairly agreed with in EIC Day 9 AM 1.

³⁹⁰ See Mr Bird PoE (CD23.1.4) para. 7.22. In XX Ms Daly accepted one cannot expect the same offer of sustainable transport in a rural location to an urban one, and indeed that one cannot assume bus services will be available in each rural community: Day 9 AM 1.

³⁹¹ Mr Duckett EIC Day 9 AM 2.

³⁹² A point was made to Mr Bird in XX that this was Kent CC's view, rather than the bus operator's view. As the body responsible for regulating the bus services and providing transport within the County, however, we submit Kent CC's view is important in this context. XX Day 9 AM 2.

³⁹³ Mr Bird RX Day 9 AM 2. That of course in turn might lead to increased population, leading to further increased demand for services.

³⁹⁴ See Mr Bird XX by Mr Wotton Day 9 AM 2. Note that the current estimates are based on 2011 census data which look only at work trips. Non-work trips may have better results.

³⁹⁵ NPPF para. 113.

78. The case put against us came from CPRE Kent, for whom evidence was given by Ms Daly,³⁹⁶ an Orchard Way resident who very fairly admitted she was not a transport expert and does not purport to provide technical transport evidence such as evidence on trip generation.³⁹⁷ Most of the objections referred to are already dealt with in a table produced by Mr Bird³⁹⁸ and have been addressed above in the footnotes. Many come from Ms Daly not accepting certain industry standard practice on matters,³⁹⁹ or considering that public safety reports underplay the level of accidents as some go unreported,⁴⁰⁰ or assuming cars will break the newly reduced speed limit.⁴⁰¹ While, of course, we value local input all we, and you, can do is go on the best available data and industry standards.

79. Against that background, all matters on the effect of the development are agreed with KCC.⁴⁰² It is agreed that the traffic impact on all assessed junctions is acceptable without any mitigation, save for the exception of Hawkhurst Crossroads where the proposed mitigation is sufficient to allow them to withdraw their objection. Indeed, with the proposed improvements at Hawkhurst and the benefits these are expected to bring⁴⁰³ – a net reduction in delays at the Hawkhurst crossroads even factoring in additional traffic from the Development⁴⁰⁴ – we more

³⁹⁶ Ms Daly accepts that there is an acute need for additional and affordable housing, but opposes this development and is on the steering group for the NP Steering Group, and the current neighbourhood plan does not allocate any sites for housing. XX by Mr Maurici Day 9 AM 1.

³⁹⁷ LD XX by Mr Maurici Day 9 AM 1.

³⁹⁸ ID30 p. 20.

³⁹⁹ For example, walking distances and the fact they don't take account of matters of topography or whether one is walking with children. EIC and XX Day 2 AM 1.

⁴⁰⁰ Day 9 AM 1.

⁴⁰¹ On this last point Mr Bird was very clear in EIC that TWBC and Police do not support decreases in speed limits unless they consider these will be obeyed: Day 9 AM 2. In any case, you should proceed on the assumption the law will be obeyed.

⁴⁰² CD9.20, see paras. 4.7-4.10ff.

⁴⁰³ Not to mention the benefits to Kent CC in having some new installations which will lead to lower maintenance costs and increased reliability.

⁴⁰⁴ A point was made by Mr Wotton that, if it is right the new improvements are flexible enough to adapt to, say, the elderly or children, then it could be argued the benefits are in fact clear enough to predict. Mr Bird explained that is not right, there is an industry standard to assessing this, and it has been reviewed by a leading signals expert: Day 9 AM 2.

than mitigate the impacts of the development *and* there is a benefit for the wider populace in the form of increased bus priority.⁴⁰⁵

80. So, overall, we submit the Development is strongly sustainable. We are not alone in that, it is also the view of Mr Hazelgrove.⁴⁰⁶ We say it is in accordance with all relevant transport policies. This is outlined by Mr Bird⁴⁰⁷ and we don't repeat that analysis here, we simply note there has been no serious challenge to those conclusions.

Air Quality

81. The only issue here is NO₂⁴⁰⁸ pollution at Hawkhurst, which it is agreed arises mostly from road traffic on Cranbrook Road.⁴⁰⁹ There is no issue of air quality in other areas, nor of the impact on ecological receptors or the natural environment.⁴¹⁰ Though we will come to the planning balance in more detail it is worth emphasising CPRE Kent are the only main party who maintain an objection based on air quality, but they do not provide planning evidence suggesting that itself would be a reason for refusal.⁴¹¹ It plainly would not be. TWBC's environmental protection team raise no objections on this point,⁴¹² the OR considered the impacts would be minor, and capable of mitigation and certainly did not recommend

⁴⁰⁵ Mr Duckett Day 9 AM 2. We make two points (1) It was suggested in XX this might lead to locals who currently 'rat-run' being drawn back to using Hawkhurst crossroads. As Mr Bird explained this is unlikely, as people only tend to change their travel habits when there is a more significant change. Any attraction back will therefore likely be marginal. (2) And in the same vein it was suggested this might have an increase on cars travelling through the crossroads even if the queue times were lower, and a link was made to the question of air quality. Mr Bird made clear this would have a minimal impact on AADT: RX Day 9 AM 2.

⁴⁰⁶ Mr Hazelgrove PoE (CD23.2.1) para. 7.34.

⁴⁰⁷ Mr Bird PoE (CD23.1.4) para. 8.12ff.

⁴⁰⁸ Although the AQA (CD2.6) also examines matters such as PM_{2.1} and PM₁₀, no issue appears to be taken on that.

⁴⁰⁹ Dr Holman XX Day 10 AM 2.

⁴¹⁰ Air Quality was, of course, originally 'scoped out' of the ES as not being a likely significant effect. The AQA was only sought due to elevated nitrogen dioxide levels at Hawkhurst Crossroads. Even after being called in, neither the Secretary of State nor PINS have sought any further information, which Dr Holman freely agreed they could do if they thought the information provided was not complete: Dr Holman XX by Mr Maurici Day 10 AM 2.

⁴¹¹ As Dr Holman acknowledged XX by Mr Maurici Day 10 AM 2.

⁴¹² Though you might not have realised it from the partial account in Dr Holman's evidence - Dr Holman PoE (CD23.3.1) para. 1.9, and see Dr Holman XX Day 10 AM 1.

refusal on this ground.⁴¹³ TWBC's current position is made clear by Mr Hazelgrove: "It [(air quality)] is not considered to be a matter (either in combination with other negative impacts or on its own) that outweighs the benefits of the scheme even if it cannot be fully mitigated by other means."⁴¹⁴ Mr Slatford agrees.⁴¹⁵

82. Turning to the detail, by way of overall background you will recall that:

- (i) We are not here concerned with national limit values,⁴¹⁶ but instead with the national objective of 40 µg/m³ set out in the Air Quality (England) Regulations 2000 (the "**Objective**").⁴¹⁷ Although there are references to the WHO guidelines and their recent revision, that is not yet incorporated into UK law⁴¹⁸ and is unlikely to be achieved at any city, town or village in the UK with an appreciable road in the near future.⁴¹⁹
- (ii) Roadside NO₂ concentrations are decreasing, both throughout the UK and at Hawkhurst specifically.⁴²⁰
- (iii) The team at Air Quality Consultants ("**AQC**") carried out a detailed assessment of air quality for TWBC in 2020 (the "**2020 Assessment**"), using a model scrutinised and approved by Defra,⁴²¹ which showed the Objective was exceeded close to Cranbrook Road in 2018 and 2019. That was accepted by TWBC and an Air Quality Management Area ("**AQMA**") will be declared.⁴²²

⁴¹³ CD7.1 para. 10.226.

⁴¹⁴ Mr Hazelgrove PoE CD23.2.1 p. 69 para. 4.83.

⁴¹⁵ See CD23.1.5 paras. 6.126-6.124, 6.140, 11.32.

⁴¹⁶ As accepted by Dr Holman in XX, Day 10 AM 1. SOCG CD9.08 para. 2.4.

⁴¹⁷ An Objective which, it must be said, is often honoured in the breach rather the observance, as Dr Holman accepted – XX Day 10 AM 1.

⁴¹⁸ And there is no clear indication it will be shortly. The WHO updated their guidelines for PM2.5 16 years ago, and that has not yet made its way into UK law. See for this and the above Dr Marner EIC Day 10 PM 1.

⁴¹⁹ Dr Marner XX Day 10 PM 2; Dr Marner RX Day 10 PM 2.

⁴²⁰ Dr Marner PoE Figure 1, Dr Marner EIC Day 10 PM 1. Also recall Dr Marner's evidence singling out TWBC as one of the LPAs showing the most consistent and reliable improvements across roadside monitoring sites: Dr Marner EIC Day 10 PM 1.

⁴²¹ Dr Marner very candidly accepted in XX that he could not say how much detail had gone into the scrutinization of this particular model. However, his experience of such reviews included sending the modelling to an independent expert (such as Dr Marner) for review. See XX Day 10 PM 2.

⁴²² Dr Marner EIC Day 10 PM 1.

83. You have before you a thoroughly researched Air Quality Assessment (“AQA”),⁴²³ prepared by AQC⁴²⁴, using the same Defra-approved model as the 2020 Assessment, and reviewed by Stephen Moorcroft.⁴²⁵ Basing future year predictions on 2019 (to avoid the impact of the pandemic),⁴²⁶ this has assessed a number of receptors in the area.⁴²⁷ It concludes, among other things:

- (i) That the Objective will be achieved at Hawkhurst Crossroads by 2025. This is more conservative than CPRE’s Dr Holman, who predicts the Objective will be achieved by 2023.⁴²⁸
- (ii) That, comparing future air quality with and without the proposal,⁴²⁹ moderate impacts will occur at two properties and a slight impact at one property in 2022 and 2023,⁴³⁰ moderate impacts will occur at one property and slight adverse impacts at another in 2024, moderate adverse impacts will occur at one property in 2025, and negligible impacts will occur thereafter.⁴³¹
- (iii) That, as (1) adverse impacts are primarily a result of elevated baseline concentrations,⁴³² (2) the incremental changes from the development are

⁴²³ CD2.6.

⁴²⁴ There was some suggestion by Mr Wotton in XX of Dr Marner that this led to AQC being the servant of two masters – the Applicant and TWBC. This is not right. As Dr Marner explained, the same methodology was applicable to both, and had policies or requirements changed then a conversation would have been had about how best to proceed. This is no basis for impugning the exceptional work done by both Dr Marner and AQC. Day 10 PM 2.

⁴²⁵ Chair of the IAQM Working Group that produced CD22.3. See his letter at Dr Marner PoE Appendix 9, p. 40-41.

⁴²⁶ Explained by Dr Marner EIC Day 10 PM 1.

⁴²⁷ In RX, Dr Holman accepted that the receptors most likely to be most significantly impacted had been modelled. Day 10 AM 2.

⁴²⁸ Dr Marner EIC Day 10 PM 1.

⁴²⁹ As recommended by the IAQM Guidance and CD22.3 and the Air Quality PPG CD10.07.

⁴³⁰ As Dr Marner outlined in EIC Day 10 PM 1, and on XX by Mr Wotton (Day 10 PM 2) the Objective applies to residential properties, hospitals and schools. Others are covered by occupational health regulations. Although it is accepted of course that others in, say, the IT consultancy may also be exposed to similar levels of air pollution, no expert is encouraging you to stray from the approach taken by the regulations and technical guidance.

⁴³¹ CD2.6 para. 7.4 and Table 5.

⁴³² There was some suggestion that the 2019 baseline data may be higher than normal levels due to the presence of roadworks: Dr Marner PoE Appendix A3. As Dr Marner pointed out in XX, such data is unlikely to have been driven up to the extent of making the assessment invalid, and any increase simply makes the assessment even more precautionary because on starts further from the Objective. As Dr Marner outlined (albeit pursuant to a different question by Mr Wotton), the IAQM guidelines assign more weight to changes which sit on a higher baseline – so the more cumulative development and

small,⁴³³ (3) the impacts of concern will be temporary, and (4) will affect at most three residential properties, the overall operational air quality effects of the development are not significant.⁴³⁴

84. This has been challenged in part by Dr Holman and you have of course heard from Dr Marner, who has been through all the material and reached his own conclusions.⁴³⁵ There is a remarkable amount of agreement between the Applicant and CPRE, as set out in the SOCG.⁴³⁶ The short areas of disagreement are: (i) the use of meteorological data, (ii) traffic data and cumulative effects (excluding now the TEMPro issues)⁴³⁷ (iii) uncertainty, (iv) determining significance and the use of EPUK/IAQM Guidance, and (v) mitigation. We take each in turn.

85. As to (i) meteorological data, it is suggested by Dr Holman that modelled weather data such as those sold by her company should be used instead of the data from an actual measurement site (Herstmonseux)⁴³⁸ – notwithstanding this is the exact same approach she took a year ago.⁴³⁹ Dr Marner has outlined why the use of measured data is suitable,⁴⁴⁰ and in this case has been scrutinised by Defra and

higher the baseline, the more the impact magnitude is increased to where it would otherwise be: Day 10 PM 2.

⁴³³ As Dr Holman accepted during EIC Day 10 AM 1, and in Dr Holman PoE (CD23.3.1) para. 8.5.

⁴³⁴ CD2.6 Section 7.

⁴³⁵ Dr Marner EIC Day 10 PM 1 – contrary to the suggestion by Dr Holman in her EIC that he simply agreed with AQC.

⁴³⁶ CD9.08. Note that NPPF para. 177 is not mentioned in that list. Dr Holman discusses it in Dr Holman PoE (CD23.3.1) para. 3.5, but accepted in XX that it does not apply as it falls within the NPPF section on the Natural Environment and there is no Air Quality issue on the Natural Environment in this case. XX Day 10 AM 2.

⁴³⁷ Dr Holman in her oral evidence conceded that she was no longer taking issue with the use of TEMPro, and accepted Dr Marner had now, in any case, done sensitivity studies Day 10 EIC and XX by Mr Maurici AM 1 and 2 (*Cf* Dr Holman PoE (CD23.3.1) para. 5.2 -5.10). This is in light of the work done by Dr Marner at Dr Marner PoE Figs 2 – 4. We also note Dr Holman expressly accepted it was not her case that this develop alone would cause serious risks to the health of Hawkhurst residents (XX Day 1 AM 1).

⁴³⁸ Dr Holman PoE (CD23.3.1) para. 4.15. She confirmed in XX that Dr Holman PoE (CD23.3.1) paras. 2.17 and 4.15 was the extent of evidence given on this point (Day 10 AM 1).

⁴³⁹ Dr Marner PoE Appendix 10.

⁴⁴⁰ Dr Marner PoE (CD23.1.1) paras. 8.10, 10.16-10.23; Dr Marner XX Day 10 PM 2. In short, while modelled data is valuable in parts of the world with relatively few good quality measurement sites (e.g. on the coast around Hull) or parts of the UK with unusual geography (e.g. in the Welsh Valleys), they rely on a series of relatively subjective assumptions which have an appreciable effect on results. It is therefore difficult to gauge the relative veracity of the different predictions without comparison against

considered appropriate.⁴⁴¹ He has also outlined why – contrary to Dr Holman’s approach – one cannot simply present a comparison of the two.⁴⁴²

86. Pausing there, Dr Holman’s “Do as I say, not as I did” approach appears throughout her analysis on other issues, such as uncertainty. Her own AQA in Hawkhurst was only last year, and post COVID. She could offer no reasoned justification for criticising the Applicant’s consultants for doing things she herself had recently done in the same location. When challenged in XX she suggested that her approach had changed following the Ella Kissi-Debrah inquest. However, and this is crucial, she was not prepared to say that her previous work was now not valid (despite being asked several times),⁴⁴³ and national and IAQM guidance has not changed.⁴⁴⁴ We do say that this shows her criticisms are unfounded and arbitrary, whatever the emotional toll that inquest may have had. We will not make this point again.

87. As to (ii) traffic data and cumulative effects, the sole remaining issue is the suggestion that, rather than focusing on ‘incremental’ change, the assessment should consider the combined effect of all traffic growth.⁴⁴⁵ As Dr Marner outlined, however, both the relevant industry guidance⁴⁴⁶ and government policy⁴⁴⁷ suggest that comparison should be with and without development, rather than with and

measurements. So, for example, when Dr Holman claims that weather varies on a 3km by 3km basis (Dr Holman EIC Day 10 AM 1), there is no way to check that (Dr Marner EIC Day 10 PM 1). Measurements, however, are objective. The Herstmonseux site, by contrast, is less than 25km from Hawkhurst, and the terrain betwixt the two is far from mountainous or coastal. Dr Marner therefore considers the results reliable. He does not suggest the weather will be exactly the same, but it is the best available data on which to make predictions.

⁴⁴¹ See Dr Marner PoE (CD23.1.1) para. 10.23, and Dr Marner EIC Day 10 PM 1.

⁴⁴² Dr Marner PoE (CD23.1.1) para. 10.20.

⁴⁴³ XX Day 10 AM 1.

⁴⁴⁴ As she accepted in XX Day 10 AM 2. There is a new version of the EFT (v. 10) but Dr Holman did not suggest this in any way detracted from Dr Marner’s analysis.

⁴⁴⁵ Dr Holman PoE (CD23.3.1) para. 5.11 - 5.17. Note that she expressly distanced herself from the comments in CPRE’s opening, ID 5 para. 9, that “no” account was taken of other developments in the locality.

⁴⁴⁶ CD22.3 para. 6.22k, extracted at Dr Marner PoE (CD23.1.1) para. 4.28. Dr Holman in XX (Day 10 AM 2) could not point to any other guidance requiring a comparison of with and without cumulative impacts.

⁴⁴⁷ The Air Quality PPG, Dr Marner PoE (CD23.1.1) para. 4.9.

without every other impact,⁴⁴⁸ which is what has been done ⁴⁴⁹ (and indeed also what Dr Holman herself did in her own AQA last year). That analysis shows that, factoring in cumulative growth (under three alternative assumptions for that growth) the Objective is met in the same year,⁴⁵⁰ there is no change to exceedances,⁴⁵¹ and in terms of concentration the difference made by this development is in fact very small (indeed, Dr Holman expressly accepted it was not her case that this development *alone* would cause serious health impacts).⁴⁵² In any case, an assessment has been undertaken showing the project with and without cumulative growth (both absent the proposal), and then with and without the proposal (assuming cumulative growth).⁴⁵³ Dr Holman accepted therefore the cumulative growth issue had been addressed in a way but suggested it was still 'lurking in the background'.⁴⁵⁴ It is not.

88. As to (iii) uncertainty, Dr Holman accepts that the model results used in the AQA meet Defra's statutory guidance.⁴⁵⁵ The case made against us now is that we failed to take into account particular traffic uncertainties, such as the effect of the COVID 19 pandemic.⁴⁵⁶ Dr Holman does not dispute that the effects of lockdown has been to reduce NO₂ concentrations.⁴⁵⁷ However, she highlighted changes to the rate of vehicle turnover, and in the traffic volumes and transport mode share. As a general point, although there have now been multiple reports showing a decrease in roadside nitrogen dioxide due to the pandemic⁴⁵⁸ the AQA has not relied on any

⁴⁴⁸ See Dr Marner EIC Day 10 PM 1. Also note that, again, Dr Holman's 2020 AQA only looked at the incremental change - Dr Marner Appendix 10, XX of Dr Holman Day 10 AM 2.

⁴⁴⁹ As Dr Holman accepted in XX (Day 10 AM 2).

⁴⁵⁰ Dr Marner PoE (CD23.1.1) Figure 3 and 4. We also note that Dr Marner was asked in XX about the use of TEMPro as against specific committed or proposed developments beyond the Tunbridge Wells area (Day 10 PM 2). However, this was not a point pursued by Dr Holman and so there is no basis for any such submission to be made in closing.

⁴⁵¹ As Dr Holman accepted XX Day 10 AM 1.

⁴⁵² XX Day 10 AM 1.

⁴⁵³ Dr Marner PoE Figs 2, 3.

⁴⁵⁴ Dr Holman XX Day 10 AM 1 and 2.

⁴⁵⁵ Dr Holman PoE (CD23.3.1) para. 4.2 and XX Day 10 AM 1.

⁴⁵⁶ Dr Holman PoE (CD23.3.1) para. 4.3-4.14. This, too, was something that she did not take into account in her August 2020 AQA, Dr Marner PoE Appendix 10, XX Day 10 AM 2.

⁴⁵⁷ XX by Mr Maurici, Day 10 AM 2. And note she does not dispute Dr Marner RPoE para. 2.2-2.4, again as confirmed in XX Day 10 AM 2.

⁴⁵⁸ Dr Marner RPoE para. 2.2-2.4.

lasting *beneficial* effects from the pandemic, while any lasting *adverse* effects would need to be extreme to remove the improvements already forecast.⁴⁵⁹ We also note that similar claims have been raised and dismissed in the recent Stanstead Airport inquiry.⁴⁶⁰ As to fleet turnover specifically, it is agreed that cleaner vehicles can and will make a difference to NO₂ in Hawkhurst.⁴⁶¹ Registration decreases between 2019 and 2020 were caused by a reduction in sales of the highest emitting vehicles, where sales of low emission vehicles such as battery and hybrid vehicles in fact *increased* in a manner more precautionary than assumed in the AQA,⁴⁶² thus making the AQA precautionary.⁴⁶³ Moreover, and with regard to modal shift, Dr Holman's evidence was highly speculative⁴⁶⁴ and in any case Dr Marner shows air quality remains appreciably better in Hawkhurst than it was pre-pandemic.⁴⁶⁵ As Dr Marner outlined, there can be a tendency to view uncertainty as spreading to either side of a defined point equally, but that is not so. Here, the AQA and Dr Marner ensured that they will most likely over-estimate concentrations in future.⁴⁶⁶ So, again, there is nothing in CPRE's case.

89. As to (iv) significance, the AQA and Dr Marner conclude the effects of the proposal are not significant. Much of Dr Holman's evidence on this was – she conceded – wrong inasmuch as it sought to apply portions of the IAQM Guidance which are

⁴⁵⁹ Dr Marner PoE (CD23.1.1) para. 10.33-10.34.

⁴⁶⁰ Dr Marner RPoE para. 2.11.

⁴⁶¹ As agreed by Dr Holman in XX – Day 10 AM 2.

⁴⁶² Dr Marner RPoE para. 2.6-2.8. Dr Holman accepted in EIC and XX (Day 10 AM 1 and 2) that the included erroneous figures in Dr Holman PoE (CD23.3.1) para. 4.9, but she accepted the figures in Dr Marner RPoE para. 2.6. She had not put herself into a position in which she could confirm or dispute the content of Dr Marner RPoE para. 2.7 (XX Day 10 AM 2).

⁴⁶³ Dr Marner RPoE para. 2.9, and in particular note Dr Holman's previous reliance on Dr Marner's view that EFT V9 is precautionary in her previous AQA from 2020: Dr Marner PoE Appendix 10.

⁴⁶⁴ See e.g. EIC Day 10 AM 1 in which she notes that *If* public transport was not well used post pandemic it *might* be stopped in circumstances where it is run by commercial operators. Dr Holman was not giving transport evidence and – though asked by Mr Wotton – Dr Marner made clear that neither was he (Day 10 PM 2). Again however just as Dr Holman could raise mere possibilities indicating negative results, Dr Marner could point to possible positive ones. For example, in XX (Day 10 PM 2) he outlined how the shift to home shopping, if carefully managed, could lead to one electric vehicle trip rather than 10 petrol and diesel trips.

⁴⁶⁵ Dr Marner RPoE para. 2.10.

⁴⁶⁶ Day 10 PM 2.

not relevant here.⁴⁶⁷ As to the remainder, she appeared to suggest at one point that any impact described as “moderate” in the IAQM Guidance must be considered significant.⁴⁶⁸ However in XX she accepted that was not the case⁴⁶⁹ - it is always a matter of professional judgment including consideration of how large an area, or how many properties, are affected.⁴⁷⁰ In this case, the number of properties is small,⁴⁷¹ the number of people affected is therefore small,⁴⁷² the incremental change is small,⁴⁷³ given the delays in start date the years affected are now less than that in the AQA.⁴⁷⁴ Dr Holman’s professional judgment is in conflict with Dr Marner’s, ACQ’s, Mr Moorcroft’s, TWBC’s, and that reached by her own self in August 2020.⁴⁷⁵

90. As to (v) the need for mitigation – the difference here stems from the view you eventually reach on significance. If you conclude the impacts are significant, then Dr Marner and Dr Holman agree mitigation is required. If you conclude the effects are not significant, there is no such need – this is the view of Dr Marner and the approach Dr Holman took last year.⁴⁷⁶ In any case, however, (a) pursuant to the ‘Better by Design’ principles measures have been included which have a beneficial effect on air quality (whether or not that is intended)⁴⁷⁷, and (b) the works to Hawkhurst junction do provide effective mitigation, given the relatively simple

⁴⁶⁷ As conceded in EIC – Day 10 AM 1.

⁴⁶⁸ Dr Holman PoE (CD23.3.1) para. 6.7.

⁴⁶⁹ Day 10 AM 2.

⁴⁷⁰ CD22.3 Table 6.3 footnote 4 and paras. 7.4-7.8; Dr Marner EIC Day 10 PM 1; Dr Holman XX by Mr Maurici Day 10 AM 2 accepting that one of the factors affecting significance is the extent of current and future population exposure to impacts.

⁴⁷¹ 3 at the start, 2 for two years.

⁴⁷² Assuming an average occupancy rate of 2.4 persons per residential unit, this affects some 4-5 people: XX of Dr Holman Day 10 AM 2.

⁴⁷³ Dr Holman PoE (CD23.3.1) para. 8.5. The small change, 0.6 µg/m³ is only 0.2 µg/m³ more than the 2020 scheme that Dr Holman promoted (BM PoE Appendix 10).

⁴⁷⁴ Dr Marner PoE (CD23.1.1) para. 7.18-7.20. Dr Holman accepted in XX she did not dispute that (Day 10 AM 2).

⁴⁷⁵ Dr Marner PoE Appendix 10.

⁴⁷⁶ Dr Marner EIC Day 10 PM 1, Dr Marner PoE Appendix 10. Dr Holman also appears to have accepted in XX (Day 10 AM 2) that absent significant impacts there is no need for mitigation, though suggested there is a general policy steer toward taking options to improve air quality, which relates to the ‘Better by Design’ principles described by Dr Marner EIC Day 10 PM 1 and CD2.6 para. 6.1.

⁴⁷⁷ For example travel plans, provision for cycling and EV charging. Dr Holman accepted in XX these were good design measures (Day 10 AM 2).

point that reducing congestion reduces emissions.⁴⁷⁸ We also remind you of Mr Hazelgrove's view, which was outlined above.⁴⁷⁹

91. Overall, therefore, we submit there is no basis for departing from the conclusions of the AQA. The effects at Hawkhurst are not significant. There are moderate impacts predicted at two properties for two years– even Dr Holman agreed that the difference the application scheme will make is small.⁴⁸⁰ Air quality will continue to improve at Hawkhurst whether this application is consented or not, there is simply a very slight difference made to timing. The fact that there would be some difference cannot of itself be a reason to refuse, as Dr Holman both accepted in XX and opined herself in her previous work.⁴⁸¹ As Dr Marner outlined, therefore, this proposal accords with national and local policy and there is no air quality basis to refuse consent for the Development.⁴⁸²

Ecology

⁴⁷⁸ Dr Marner EIC Day 10 PM 1, Dr Marner PoE (CD23.1.1) para. 7.23. He explained that such works had in fact been mentioned by TWBC's air quality officer for possible inclusion in the Air Quality Action Plan to be provided when the AQMA is declared. Dr Holman takes issue with this conclusion, but both she and Dr Marner agreed it is not possible to model the impacts of the improvements. Dr Marner's view, which we say is correct, is that it is better to read the background literature and reach a qualitative assessment rather than imply spurious precision. Having reviewed this as part of Defra's AQEG (where Dr Marner led the section on local-scale air quality modelling), he saw no basis to doubt that there would be a reduction in emissions if the amount of queuing was reduced. This was further tested in XX, where Mr Wotton suggested that receptors 4a and 4b would suffer regardless as they were close to the traffic lights. Dr Marner explained in detail that emissions from idling vehicles are in fact quite low, it is acceleration which causes emissions and those emissions follow the vehicle in a drag plume. So, while there are complexities caused by the various makes and models of cars and their emission control systems, broadly the less time cars spend starting and stopping at the traffic lights, the better the air quality result (See XX Day 10 PM 2). Clearly this also links to traffic impacts and Dr Holman was not giving traffic evidence – Mr Bird confirmed that in his view the works would not lead to any significant effect on AADT traffic volumes and Dr Holman accepted she had no evidence to contradict that (XX of Dr Holman Day 10 AM 2).

⁴⁷⁹ Above para. 81.

⁴⁸⁰ Dr Holman XX by Mr Maurici Day 10 AM 2.

⁴⁸¹ Both XX Day 10 AM 1 and Dr Marner PoE Appendix 10 p. 51 in which she considered the development would add to the level of pollutants, adopting a view that the Objective would be exceeded in 2023 rather than Dr Marner's more conservative 2025.

⁴⁸² Dr Marner EIC Day 10 PM 1. Questions of weight in the planning balance are of course for the planning witnesses. We do not therefore trouble you with Dr Holman's views (XX Day 10 AM 1) nor the matters put to Dr Marner on XX regarding weight (XX Day 10 PM 2), as neither appear as planning witnesses: Day 10 PM 2.

92. Moving onto ecology, this session was typified with Mr Goodwin and Mr Scully⁴⁸³ speaking with, largely, one voice, a voice in line with BSG Ecology, which KWT supports,⁴⁸⁴ and to which NE have taken no objection.⁴⁸⁵ They indicated there is a Biodiversity Net Gain (“**BNG**”). Against that, a contrary position is taken by the AONB Unit and Ms Marsh,⁴⁸⁶ alone against the world, who sought to undercut the professionalism and detail of those four voices,⁴⁸⁷ suggested this was “one of the more poorly thought through schemes I’ve looked at”⁴⁸⁸ and goes so far as to say not only that there is no BNG, but there is in fact a harm. The comment about this scheme being one of the most poorly thought through is risible, bordering on the offensive, and betrays the complete lack of impartiality towards the Development on the part of Ms Marsh

93. Let us start with the baseline. The ecology chapter of the ES records that, having undertaken a Phase 1 Habitat Survey, the dominant habitat present on Site was

⁴⁸³ Not only an officer of TWBC but also the officer representative on the HW JAC, who also attends the Kent Nature Partnership, working through what BNG means for Kent: EIC Day 12 AM 1. Mr Scully made clear that he did not do his own full assessment of BNG, but rigorously reviewed the BSG Ecology assessment and responded in his evidence to the concerns raised by the Rule 6 parties: EIC Day 12 AM 1, and see CD14.1-14.5.

⁴⁸⁴ Scully PoE Appendix 3.

⁴⁸⁵ Indeed Ms Kent appears to accept that there is a BNG (Ms Kent PoE (CD23.5.2) para. 4.119-4.120) and NE accepts there are ecological benefits from this development (CD9.2, section 8.0).

⁴⁸⁶ Who made the hastily corrected Freudian slip in EIC of suggesting she was providing her true and personal opinions: EIC Day 11 AM 1.

⁴⁸⁷ There are a number of points to deal with. (1) there were remarkable insinuations of manipulation of BNG metric scores – from which she had to expressly distance herself in XX – we return to this below. (2) Ms Marsh also indicated in XX (Day 11 AM 2) that Mr Scully for TWBC and KWT had not reviewed the application particularly closely, suggesting for example that Mr Scully had erroneously copied across an error made by BSG. Mr Scully refuted this when given the chance: EIC Day 12 AM 1. (3) Ms Marsh further suggested Mr Scully had simply said that there would be a 50% gain – again as he clarified in EIC (Day 12 AM 1) he said that there would be a BNG exceeding 10% by some 10-40%. (4) Ms Tester suggested in XX of Mr Scully that he had double counted benefits such as woodland block planting, and that he had misled the TWBC planning committee in comments provided for the OR (CD7.1). Neither is correct – the woodland block planting has benefits not taken into account in the BNG metric calculation, and the Committee report was clear that BNG is not an exact figure, as Mr Scully made clear (see in particular CD6.14.2 para. 32) (XX by Ms Tester Day 12 AM 2, RX Day 12 AM 2). (6) Ms Tester suggested Mr Scully’s table at PoE Appendix 1 did not identify detrimental effects. As he made clear however those are assessed, but they are not highlighted in this table as it deals solely with comments made by the AONB Unit (XX by Ms Tester Day 12 AM 2).

⁴⁸⁸ Ms Marsh EIC Day 11 AM 1.

improved⁴⁸⁹ grassland (horse paddocks).⁴⁹⁰ Having been initially surveyed in 2018, the Site was revisited and an NVC survey undertaken in 2020, which classified it as poor semi-improved grassland. The grassland is one homogenous type (excluding small areas around the water bodies), dominated by a few fast growing species – Yorkshire Fog, perennial rye grass, common bent, cock’s foot, timothy, and rough meadow grass. There are very few forbs – most quadrats only had one or two. The BSG Ecology Survey concludes that it fits most strongly within MG7 (2018) and MG7b (2020), and is at the lower end of the scale for poor semi-improved grassland.⁴⁹¹ Mr Goodwin has walked over the whole Site, and although he considers it could be considered as improved grassland, and there are some small differences either way between him and BSG,⁴⁹² he too is content it can be considered at the poor⁴⁹³ end of semi-improved grassland.⁴⁹⁴ That, we say, is the

⁴⁸⁹ The AONB Unit apparently prefers the term ‘species rich’ so that this is not undervalued: Ms Marsh EIC Day 11 AM 1. This is not supported by any formal guidance.

⁴⁹⁰ CD5.6.1 para. 9.7.4.

⁴⁹¹ CD5.6.7 paras. 4.7-4.16, and see Mr Goodwin PoE (CD23.1.6) para. 2.13 subject to the erratum he identified and corrected in Mr Goodwin EIC Day 12 PM 1 (references to MG6 should be MG7b). We remind you of Mr Goodwin’s explanation in EIC (Day 12 PM 1) of the spectrum between improved, semi-improved and unimproved grassland. We accept, of course, that this report suggests that due to the lack of heavy horse grazing over the previous two years the grasses “are now slightly more diverse” but as Mr Goodwin outlined (a) this may well be because of the differences between Phase 1 and the NVC surveys – which Ms Marsh accepted; and (b) in any case, it may well be because it is easier to identify species when grasses are longer. (TG EIC Day 12 PM 1).

⁴⁹² ID34.

⁴⁹³ As Mr Goodwin explained in XX by Ms Tester (Day 13 AM 1) it is not in good condition, if one looks at the condition tables in the Metric 2.0 Technical Supplement (CD16.15) p. 19. “Moderate” condition grassland has less than 25% cover, and wildflower coverage of less than 30% excluding white clover, creeping buttercup and injurious weeds, or is a priority habitat. “Poor” condition is characterised by more than 25% rye grass, are often periodically re-sown and maintained by fertiliser treatment and weed control, and have an undesirable species cover is more than 15%. In this case there is more than 25% Rye Grass coverage, white clover is present on site, there is a limited number of forbes which indicates the use of some sort of herbicide, it is not a priority habitat, and of the 11 undesirable species, 7 (spear thistle, curled dock, broad-leaved dock, common ragwort, common nettle, creeping buttercup, and white clover) were all present on Site. Although CD16.11 suggests that the grassland is of moderate quality rather than poor condition, Mr Scully outlines that the BSG Ecology condition analysis should be preferred, not least because that survey was directly on point and made for the purposes of this application, whereas the CD16.11 grassland survey is necessarily broader: Scully PoE para. 5.10-5.11.

⁴⁹⁴ Mr Goodwin EIC Day 12 PM 1. There was some suggestion in XX (Day 13 AM 1) that he should have asked BSG for the raw data – but as he outlined BSG is a well-regarded practice, and when discussing whether a habitat is MG7, most ecologists can undertake such an assessment without doing an NVC survey. Asking for the underlying data would therefore have not been proportionate. The LPA, PINS, and the Secretary of State all have powers to request further environmental information if necessary, but this has not been used: Mr Goodwin RX Day 13 AM 2. The AONB Unit could have requested this from the Applicant but never did.

baseline, and indeed that is supported by the Grassland Survey TWBC commissioned based on the AONB Unit's comments on its Reg 18 plan that grassland in the High Weald is "better value" than previously recognised.⁴⁹⁵ This baseline position is not contested by NE. Dolphin Ecology, whose report the AONB Unit provided, also suggests that the baseline from the Phase 1 Survey is either "improved" or "poor semi-improved" grassland.⁴⁹⁶ Ms Marsh comes to a different view⁴⁹⁷, but puts forward no evidence of that other than her own walk⁴⁹⁸ across FP WC 115.⁴⁹⁹ This, Mr Goodwin considers, is not an adequate basis to disagree with a range of other professional opinions.⁵⁰⁰ Overall, therefore, the condition and value of habitats on the Site as matters stand now is poor, and of very little interest from a nature conservation view.⁵⁰¹

94. It is against that background we turn to the AONB MP. One of the key points put against us is that the Applicant's ecological proposals do not fit with the AONB MP. Mr Goodwin strongly disagrees.⁵⁰² The AONB MP sets out a vision for the AONB which is a landscape maintained by sustainable land management practices, and shows thriving wildlife and improving ecological quality in an interconnected and biodiverse landscape.⁵⁰³ It is an important part of the designation to enhance natural beauty to conserve and enhance flora and fauna.⁵⁰⁴

⁴⁹⁵ CD16.11 Grassland Assessment, para. 5.4.8-5.4.10. Mr Scully reiterated the background to this in detail in EIC (Day 12 AM 1, and see Scully PoE para. 5.8-5.9). As Mr Goodwin pointed out in EIC (day 12 PM 1), Ms Marsh took you to this document but did not provide a full explanation of the views of the authors. No criticism is made of this document by NE: Kent XX by Mr Maurici Day 14 AM 1.

⁴⁹⁶ As extracted in Scully PoE para. 6.12.

⁴⁹⁷ Ms Marsh EIC Day 11 AM 1.

⁴⁹⁸ Quite possible undertaken solely as a local resident.

⁴⁹⁹ Indeed she positively decries the suggestion she should undertake her own survey, as it is not the AONB Unit's application: Ms Marsh EIC Day 11 AM 1. She accepted, however, this was not a survey: XX by Mr Maurici Day 11 PM 1.

⁵⁰⁰ Mr Goodwin EIC Day 12 PM 1 and XX Day 13 AM 1, in which he also made clear to Ms Tester that it would be normal for a developer to allow the AONB Unit on Site to undertake their own assessment.

⁵⁰¹ Mr Goodwin EIC Day 12 PM 1.

⁵⁰² Mr Goodwin PoE (CD23.1.6) para. 8.67-8.74, Mr Goodwin EIC Day 12 PM 1.

⁵⁰³ CD12.13 p. 5: "The High Weald JAC's vision for the future of the High Weald is a landscape which: [...] is maintained by sustainable land management practices, such as regenerative agriculture, wilding, small-scale woodland management and agro-forestry [...] "Displays thriving wildlife and improving ecological quality in its highly interconnected and biodiverse landscape."

⁵⁰⁴ CD12.13 p. 18 "Section 92 makes clear that the conservation of natural beauty includes the conservation of 'flora, fauna and geological and physiographical features.'" and p. 20: "It is the AONB

It provides key principles to help guide actions in the AONB regarding restoring wildlife, including in the development management process for identifying whether actions will enhance or damage the AONB's natural assets.⁵⁰⁵ This help includes principles on implementing the plan to guide action 'on the ground' – steps which include restoring naturally functioning habitat mosaics and taking positive action to improve measurable BNG.⁵⁰⁶ There was some suggestion by Ms Marsh that the AONB MP is 'broad brush' and that the benefits and objectives it lists may not apply to this site.⁵⁰⁷ While of course matters must be looked at in a site specific manner, it is notable that Ms Marsh both sought to distance herself from portions of the AONB MP that did not help her case;⁵⁰⁸ and suggested that even NE was wrong in considering matters benefits - because it, unlike her, had not looked at the matter in enough fine detail.⁵⁰⁹ Both Mr Goodwin⁵¹⁰ and Mr Scully⁵¹¹ have outlined why her views are unsupportable and surprising. Ms Marsh against the world again.

as a whole that must satisfy the technical criteria of natural beauty. The weight and importance of factors indicating natural beauty may vary across the designation. The presence of incongruous features or degraded landscapes does not, in itself, detract from the value of the area as an AONB. The emphasis in these cases is on the second part of the designation purpose, that of enhancement of natural beauty. Government has confirmed that the landscape quality of AONBs and National Parks are equivalent" (emphasis added).

⁵⁰⁵ See CD12.13 p4: "The High Weald Joint Advisory Committee (JAC) welcomes the Glover Review of designated landscapes and looks forward to playing a strengthened role in protecting the High Weald's landscape character and restoring its wildlife. The AONB Management Plan helps guide our actions to meet this ambition". P. 5: "The Joint Advisory Committee partners will: Use the Plan and underpinning data to focus support for agriculture, land management and rural development on activities that conserve and enhance the AONB, including actions to protect sites of local, national and international conservation importance.". P.15: "The Plan can be used to guide environmental land management and assess the impact of development or other changes on the AONB. Where the ambition is to achieve environmental net gain, or assess potential harm, the Plan provides a framework for identifying actions that may enhance or damage the AONB's natural and cultural assets."

⁵⁰⁶ See CD12.13 p. 16.

⁵⁰⁷ In response to a question by EL, Day 11 PM 2.

⁵⁰⁸ As with the hedgerows and cat predation issue.

⁵⁰⁹ XX by Ms Lambert Day 11 PM 2.

⁵¹⁰ Mr Goodwin EIC Day 12 PM 1.

⁵¹¹ EIC Day 12 AM 1: noting that nothing in the LEMP is "random" or "scattergun" (individual features are carefully protected, each part of the proposal is informed through landscape studies, or heritage and ecological guidance or mapping); and further outlining how the proposals accord with, for example, the aims of the AONB MP, Objective DG1 (hedgerows are regrown in historic places, historic routes are reconnected and historic woodland and shaw is recreated).

95. Assuming we can apply the AONB MP, Mr Goodwin took you through its objectives and how this application meets these at a biodiversity level.⁵¹² For example: managing the ancient woodland to (*inter alia*) remove Himalayan Balsam is (contrary to the suggestion of Ms Marsh) fully in accordance with Objective G1,⁵¹³ W2, and the Vision for Woodland;⁵¹⁴ the LEMP's illustrative masterplan and betterment plan will reinstate one of the key characteristics for woodland in the AONB,⁵¹⁵ and the Natural Beauty,⁵¹⁶ Key Characteristics, Vision,⁵¹⁷ and Objectives (such as FH2)⁵¹⁸ for Field and Heath. These are simply examples but Mr Goodwin⁵¹⁹ and Mr Scully⁵²⁰ made clear to you that, in their view, looking at matters in the round this application meets the requirements of the AONB MP. This is particularly clear from the level of detail in plan ECO1,⁵²¹ where scrubland links the ancient woodland to the south to the woodland in the north, a mosaic of habitats has been created, with scrubland, grassland, woodland and ponds all in close proximity.⁵²² Now, of course, the AONB Unit disagreed with that, drawing

⁵¹² Mr Goodwin EIC Day 12 PM 1.

⁵¹³ CD12.13 p. 28, Mr Goodwin EIC Day 12 PM 1.

⁵¹⁴ CD12.13 p. 41. See e.g. Key Characteristic 3 "Many irregularly-shaped small woodlands interlinked with shaws, thick hedges and wooded sunken lanes; forming an intimate part of the farmed landscape." And the Vision "A landscape in which the nationally-important assemblage of ancient woodland in the High Weald is managed in a sustainable way to maximise its wildlife, landscape and historical value". As Mr Goodwin (Day 12 PM 1) made clear, there is a degree of coppicing in the ancient woodland present on Site, so reinstating the same will be significant in terms of longevity and maintaining its characteristics.

⁵¹⁵ CD12.13 p. 41: "Many irregularly-shaped small woodlands interlinked with shaws, thick hedges and wooded sunken lanes; forming an intimate part of the farmed landscape."

⁵¹⁶ CD12.13 "The High Weald AONB is characterised by small, irregularly-shaped and productive fields often bounded by (and forming a mosaic with) hedgerows and small woodlands, and typically used for livestock grazing; smallholdings; and a non-dominant agriculture; within which can be found distinctive zones of lowland heath and inned river valleys".

⁵¹⁷ "A landscape in which the distinctive and historic pattern of fields is managed to maximise its full landscape, historic and wildlife value, and in which nature recovery networks have enhanced the special qualities of grassland and lowland heath habitats which are maintained where necessary by skilled land managers."

⁵¹⁸ "To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands."

⁵¹⁹ Mr Goodwin EIC Day 12 PM 1.

⁵²⁰ Scully PoE para. 6.28 and EIC Day 12 AM 1.

⁵²¹ TF PoE Appendix 1 Plan ECO 1. Some challenge was made to this map in XX of Mr Goodwin, but as he made clear this tries to pick up the Phase 1 baseline, including the landscape proposals, betterment plan and LEMP. It is an exercise in professional judgment. XX by Ms Tester Day 13 AM 1.

⁵²² Mr Goodwin EIC Day 12 PM 1.

out some (very, very few) examples,⁵²³ and making suggestions that it is better to let changes occur naturally rather than help provide a boost.⁵²⁴ Mr Goodwin rightly considered these somewhat absurd. Ms Marsh against the world again.

96. Turning to the LEMP, this is, as Mr Goodwin outlined⁵²⁵ an “excellent piece of work” – one of the “best [he’d] ever read”, meeting the vision of the AONB MP and picking up on and supporting the key objectives contained therein.⁵²⁶ It is, of course, flexible – it has to be, taking into account that while consent and works are a moveable feast, certain natural works will need to be done at specific times of year.⁵²⁷ That does not detract from the weight you can and should give it.

97. Many criticisms were made by Ms Marsh and the AONB Unit but none of those should carry any weight. They can all be traced to a simple misunderstanding of the document⁵²⁸ or a focus on matters which can be dealt with by condition,⁵²⁹ or the AONB’s counterproductive approach of looking for problems rather than considering whether there are positive planning solutions.⁵³⁰ Much of this, frankly,

⁵²³ Which, in an impassioned exchange, Mr Goodwin roundly rebutted with many, many more showing the AONB MP was being followed: XX by Ms Tester Day 13 AM 1.

⁵²⁴ Mr Goodwin XX Day 13 AM 1. “Natural regeneration” clearly is not applicable to some of the changes proposed by this application, such as the regrowing of hedgerows along historic boundaries. On pressing by Mr Goodwin it appears the concern arises from the risks of disease associated with nursery stock (Ms Marsh made the same point Day 3 PM 1). But as Mr Goodwin outlined, of course there are rules and regulations regarding that, and you must assume that other regulators will regulate competently (notwithstanding Ms Tester’s point that the reason Ash Dieback is present in this country is because those were not followed).

⁵²⁵ Not quite through gritted teeth, as he very fairly said in EIC (Day 10 PM 1), it is not fun to praise something a commercial rival produced.

⁵²⁶ By way of example, Mr Goodwin (Day 10 PM 1) highlighted paras. 4.1.1 (p. 12), and Objectives 1 and 2 (p. 21 and 25).

⁵²⁷ Mr Goodwin EIC Day 12 PM 1.

⁵²⁸ For example, Ms Marsh in EIC (Day 11 AM 2) suggested that the LEMP was flawed for referring, at p. 30, to Laurustinas Eve Price and suggesting this was not native hedgerow. In fact the LEMP makes no suggestion that it is - the native hedgerow mix is set out on p. 29 of the same. Ornamental hedgerow species are limited to the gardens of owner/occupier housing.

⁵²⁹ E.g. Conditions 17 21 and 22 in ID 32.

⁵³⁰ A clear example of this is Ms Marsh’s concerns that establishing hedgerows – something clearly required by the AONB MP (CD12.13) Objectives FH2 indicators of success and actions, and Objective FH3 – is not a good thing in this context because it will lead to cat predation and / or that breaks in the hedgerows are also a bad thing because dormice will not cross them (SM PoE paras. 8.18-8.25, Day 11 AM 2). Mr Goodwin has satisfactorily answered these claims (TG RPoE para. 2.34, EG EIC Day 12 PM 1), as has Mr Scully (EIC Day 12 AM 1) and show a deeper concern with the AONB’s approach here, which is simply to throw up problems rather than try and resolve them. Mr Scully shared the same concerns regarding the AONB Units approach (Day 12 AM 1).

beggared belief.⁵³¹ Where there is a conflict of professional opinion – as for example with what is said to be drawn from Ms Ryland of Dolphin Ecological Solutions⁵³² – Mr Goodwin has explained why he does not consider her opinion correct and both Mr Goodwin and Mr Scully have been to Site *and* made themselves available for testing in XX, which Ms Ryland has not. Overall, we say the utility and quality of the LEMP is aptly demonstrated by the fact that KWT spoke in favour of the proposals.⁵³³

98. Matters such as seed mix, whether to use a nurse crop, soil mix, deep ploughing, phosphate levels (including if, how, and whether there is a need to comply with TIN050), and the exact contents of the Woodland Management Plan can all be

⁵³¹ Such as (1) Ms Marsh’s suggestions in EIC (Day 11 AM 2), that there would be an “absolute loss” of semi-improved grassland but “no real gain”; (2) the suggestion that the aforesaid inbuilt flexibility means the LEMP “cannot be relied upon” (Mr Goodwin XX by Ms Tester, Day 13 AM 2) – the LEMP is exceptional and it works, if it requires tweaks to achieve better outcomes those can be made; there is no credibility in the suggestion that it will be ‘done away with’; (3) the suggestion there is no benefit to protecting and enhancing and managing ancient woodland because it is already ‘protected’ (Ms Marsh PoE (CD23.4.1) 8.19), in circumstances where (a) ancient woodland only has policy protection from development (such that a landowner could chop down trees, or fertilise and spray fields in land adjacent to the ancient woodland) (Ms Marsh XX by Mr Maurici Day 11 PM 1 and Mr Scully XX by Ms Tester Day 12 AM 2); (b) where Ms Marsh refused to see a benefit in requiring management for woodland because it has “survived thousands of years” and particular proposed legal obligations (such as to get rid of invasive non-native species) do not (in her view) go beyond what landowners would otherwise have no obligation to do but would be ‘encouraged’ to do (see XX by Mr Maurici Day 11 PM 1); (c) this was Mr Scully’s suggestion (EIC Day 12 AM 1) and (d) although this has some features of Ghyll Woodland which does require a high degree of moisture, the 15m Ancient Woodland planting buffer will help maintain that climate (Scully EIC Day 12 AM 1); (4) the suggestion in Ms Marsh PoE (CD23.4.1) para.8.18 that the LEMP is nothing more than a “wish list” in circumstances where she agreed in XX that many, many of the measures contained therein are perfectly achievable (XX by Ms Lambert, Day 11 PM 2); (5) the suggestion that there is no benefit to grassland management when ID35 makes clear that grassland needs to be managed (Mr Scully EIC Day 12 AM 1).

⁵³² A number of suggestions were made relying on Ms Ryland’s report at CD6.5.1 Annex 3. For example, (1) that, if the baseline is improved poor condition grassland, the LEMP measures are unlikely to create good condition native wildflower meadow or species rich grassland, (2) or that the works will have “profoundly damaging effects to existing vegetation fauna and soil biology”, or (3) there is a difference between the damage from temporary and permanent changes. Each was persuasively answered by Mr Goodwin on its own terms. Taking each in turn: (1) it is possible to establish grassland in high nutrient soils as he has done this before, (2) large portions of her analysis are wrong, and (3) that the biota in soil is relevant to what is above it, and that *in this context* it is difficult to see what one would be losing).

⁵³³ As both Mr Goodwin (Day 12 PM 1) Mr Scully (Day 12 AM 1) and Mr Slatford (Day 16 AM 2) made clear, although the consultancy services are the commercial arm of KWT, they would not speak in favour of development unless it was something they genuinely thought was good; otherwise they run the risk of criticism and a reduction in membership income. Some suggestion was made in XX that KWT do not “fully support” the application, by reference to CD6.11.3 (August 2020). Again it is accepted that they have comments, but these are taken into account and the fact remains KWT did ultimately speak in its favour: Ms Tester XX of Scully Day 12 AM 2.

conditioned, are dealt with via the s. 106 agreement and can be controlled either in reviewing the LEMP or the required detailed method statement in relation to soil movement, as set out by Mr Goodwin⁵³⁴, Mr Scully⁵³⁵, and indeed accepted by Ms Marsh⁵³⁶. The key point is that such matters can all be dealt with – they are not fundamental barriers. The AONB Unit has steadfastly refused to offer positive comments on the conditions or make suggestions for how its concerns could be mitigated⁵³⁷. This was reiterated in the recent email from Ms Tester to Mr Scully⁵³⁸. Attempts by the AONB Unit to work up issues of seed mix into fundamental attacks on the credibility of the LEMP⁵³⁹, should, we submit, be given short shrift in light of the positions of Mr Goodwin, BSG, Mr Scully, TWBC and NE.

99. We then turn to the metric. The metric has faced a lot of criticism in this inquiry⁵⁴⁰ (and indeed by Ms Marsh and others outside it)⁵⁴¹ and before we come onto the detail, we remind you simply that it is not the place of this inquiry to challenge government policy. The metric has been published by NE, and developed to support the incoming Environment Bill.⁵⁴² It is not perfect, and no party suggests that it is. Nor does it cover *every* biodiversity eventuality – it does not, for example,

⁵³⁴ EIC Day 12 PM 2, XX Day 13 AM 1.

⁵³⁵ EIC Day 12 AM 1.

⁵³⁶ XX Day 11 AM 2 and PM 1.

⁵³⁷ As Ms Marsh accepted in XX (Day 11 AM 2).

⁵³⁸ On 25.10.21 at 14.10 ID 57.

⁵³⁹ As in Ms Tester's XX of Mr Goodwin, Day 13 AM 1.

⁵⁴⁰ E.g. Ms Marsh PoE (CD23.4.1) para.5.1 suggesting that Metric 2.0 and 3.0 are “fundamentally flawed”; Ms Marsh EIC Day 11 AM 1 and 2, suggesting that the theory has not been fully tested that, values therefore remain “guesstimates”, that this inquiry can have “no confidence the output score represents biodiversity”, that amendments will need to be made before coming into force as required by the Environment Bill, and that the changes caused by including or excluding ancient woodland show the metric is a “nonsense”. These conclusions are not accepted - Mr Scully outlined in EIC, for example, that NE has been developing the metric for several years and has run pilot projects subject to rigorous evaluation: Mr Scully EIC Day 12 AM 1, Scully PoE para. 3.24ff.

⁵⁴¹ As in CD16.26. However, (1) Mr Scully has highlighted a number of concerns about this paper, including that it calls for a wholesale alternative to the current planning system, see Scully PoE para. 3.31ff; (2) Ms Marsh was unable to show any changes had been made by NE and Defra as a result of this paper – merely an expectation that NE would review the findings and then so do (XX by Mr Maurici Day 11 AM 2); (3) without delving into all the details of the paper, Ms Marsh criticises the metric on the basis that it “trades losses in habitat area today for promises of future gains in habitat quality” (SM PoE para. 6.2). That, as Mr Maurici pointed out in XX, is the entire purpose of the Environment Bill, but Ms Marsh accepted that she had not read its details (XX by Mr Maurici Day 11 AM 2).

⁵⁴² Mr Goodwin PoE (CD23.1.6) para. 7.8.

take into account species as well as habitats.⁵⁴³ However the fact that it can be used is set out in the PPG,⁵⁴⁴ it is supported generally by the relevant industry body CIEEM,⁵⁴⁵ and NE (alongside the applicant and TWBC) fully accept that Metric 2.0 is an appropriate tool for calculating BNG in this case.⁵⁴⁶ Fundamentally, it is a tool to be considered in the exercise of ecologists' professional judgment.⁵⁴⁷ So, to the extent the AONB Unit level criticisms at the metric and the way it works, we ask you to give those no weight. We also note, in passing, they have failed to present any type of alternative.

100. Turning to how the metric applies *in this case*, as Mr Goodwin outlined this applicant has done its utmost to comply with the *Biodiversity Net Gain: Good Practice Principles for Development*.⁵⁴⁸ Thus:

- (i) the mitigation hierarchy has been applied (principle 1);
- (ii) it has sought to avoid impacting the ancient woodland and ancient woodland characteristics and achieves no net loss from those (principle 2);
- (iii) it has engaged with stakeholders such as KWT (principle 3);
- (iv) it achieves a measurable net gain contribution and contributes to nature conservation priorities (principle 5);

⁵⁴³ Mr Goodwin EIC Day 12 PM 2, see too Mr Goodwin PoE (CD23.1.6) para. 7.12-7.13.

⁵⁴⁴ CD10.06 para. 023.

⁵⁴⁵ Mr Goodwin EIC Day 10 PM 1, Mr Goodwin PoE (CD23.1.6) para. 7.7, Ms Marsh XX by Mr Maurici Day 11 AM 2. Ms Marsh suggests (Day 11 AM 2) that the Landscape Institute's Working Group has concerns about the BNG metric, however as she conceded on XX nothing has been published by this group: XX by Ms Lambert Day 11 PM 2.

⁵⁴⁶ CD9.2 para. 5.18 – 5.22.

⁵⁴⁷ See Ms Marsh PoE (CD23.4.1) para.6.1 and Mr Goodwin PoE (CD23.1.6) para. 7.10, and the User Guide CD16.15 para. 1.1. And indeed that is precisely how it has been used from the application stage onward. The AONB Unit has sought to suggest that the applicant and TWBC are using it as a shorthand to suggest "everything is rosy" (SM EIC Day 11 AM 1), or that the fact it is only one tool was not made clear to officers in the OR paras. 10.144-10.148 (CD7.1). This is simply wrong. It has always been acknowledged this is simply one tool (TG PoE para. 7.10, Mr Hazelgrove PoE (CD23.2.1) para. 4.59, Scully PoE para. 3.19), and as Mr Goodwin demonstrated the fact that some values can be challenged and officers should not have taken it 'as read' was made perfectly clear. In any case, it is not obvious where this goes, as this matter is now at called-in application stage and the AONB Unit have not – as far as the Applicant can tell – suggested that making the caveats clearer would have led to a different outcome.

⁵⁴⁸ Mr Goodwin PoE Appendix 2.

- (v) it achieves the best outcomes for biodiversity by e.g. enhancing existing habitat, creating new habitat, and enhancing ecological connectivity (principle 6);
- (vi) it delivers conservation outcomes beyond what would occur anyway – there is no suggestion (for example) that historic hedgerows would reinstate themselves and there is, at present, no 10% requirement for BNG required by law or policy (principle 7); and
- (vii) it creates biodiversity educational opportunities (principle 8).⁵⁴⁹

101. We turn to the details of how the metric has been *calculated* in this case. The detail of the metric analyses undertaken is set out in Mr Goodwin’s proof so we focus on the areas of dispute.⁵⁵⁰ There is rather a lot between Mr Goodwin and Mr Scully (and BSG Ecology)⁵⁵¹ on the one hand, and Ms Marsh on the other. Ms Marsh, of course, has not undertaken her own BNG calculation, nor surveyed the site, she has simply changed a few of the inputs in the metric calculations of others. We note:

- (i) A large difference is, of course, the baseline, both in terms of habitat type and condition. One needs an accurate position on the baseline to obtain an accurate result. We have set that out above.
- (ii) A further difference is how one translates from the Phase 1 or NVC Surveys into the UK Habs Classification for use in the metric.⁵⁵² Ms Marsh alleges this the baseline is properly categorised as UK Habs g3c (other neutral grassland).⁵⁵³ Everyone else says it is g4 (modified grassland). There is a long route and a short route to understanding that translation. The short

⁵⁴⁹ As outlined by Mr Goodwin EIC Day 10 PM 1.

⁵⁵⁰ Mr Goodwin PoE Section 5ff.

⁵⁵¹ There are some slight differences between Mr Goodwin’s measurements and BSG measurements (ID34). However, these are small and make limited difference to the outcome and the faith that you can have in the metric’s results. The biggest areas of difference between Mr Goodwin’s measurements and those of BSG arose from (1) the exclusion of ancient woodland (dealt with below), and (2) the difference in calculation of scrubland, as it is fast growing and therefore scores more highly on the metric. See XX by Ms Tester Day 13 AM 1. The key point is that even with those two differences, there remains a significant BNG gain.

⁵⁵² Mr Goodwin RPoE para. 2.17ff.

⁵⁵³ Ms Marsh EIC Day 11 AM 1.

route is to simply use the conversation table embedded in the metric.⁵⁵⁴ The longer route is to use the UK Habs classification handbook – which is the approach Ms Marsh adopted (and executed in a flawed manner)⁵⁵⁵. Mr Goodwin worked through both of these with you and demonstrated that the baseline, as ascertained using a Phase 1 survey, translates as modified grassland.⁵⁵⁶ If one begins with an NVC survey – the gold standard⁵⁵⁷ – the NVC community coefficients set out in CD5.6.7 para. 4.13 all translate into modified grassland.⁵⁵⁸ So, however one starts, and whether one adopts the long or short route, the results are the same – the baseline should be translated to modified grassland (g4) within the meaning of the BNG metric. Mr Goodwin and Mr Scully considered Ms Marsh had simply got it wrong, and she clearly has.⁵⁵⁹

- (iii) Much has been made of the effects of leaving in or taking out ancient woodland. This is the largest difference between Mr Goodwin and BSG. This is a short point – the registered ancient woodland was included by BSG in error,⁵⁶⁰ taking it out (as Mr Goodwin has shown) increases the BNG of

⁵⁵⁴ Mr Goodwin EIC Day 10 PM 2, Mr Goodwin RPoE para. 2.22. Ms Marsh sought to criticise the table in metric 2, or at least rely on the UK Habs classification handbook because the Metric 2.0 table is a beta version and the classification handbook is more recent (September 2020, as opposed to August 2020). However, (i) the translator is embedded in the metric being used, (ii) however Metric 3 (published this year) maintains the same translation table, and (iii) it is no longer in beta form: Ms Marsh XX by Mr Maurici Day 11 PM 1.

⁵⁵⁵ Ms Marsh XX by Mr Maurici Day 11 PM 1.

⁵⁵⁶ The crux of the problem faced by Ms Marsh appears to be a failure to understand the definitions set out in CD16.20 at electronic pages 22ff. In particular, the fact that species poor swards are excluded from the definition of g3c grasslands (see electronic page 27), and referred instead to g4 modified grassland. In XX Ms Marsh accepted this exclusion was relevant. The baseline, outlined above, has more than 25% cover of Rye-grass (which falls outwith the indicator in g3), with Rye Grass and White Clover commonly seen (in accordance with the g4 definition on electronic page 32); grasses making up more than 75% of the assessed area (also in line with g4 definition on electronic page 32) (indeed Mr Goodwin estimates grass cover to be 90-98%); and it is species poor with only two forb species per quadrat (again in line with the g4 indicator on electronic page 32).

⁵⁵⁷ In Mr Goodwin's view – EIC Day 12 PM 2. Ms Marsh sought to challenge this on the basis of a comparison with a wholly different survey on a wholly different site (CD16.33) (EIC Day 11 AM 1). However, as Mr Scully pointed out this was an extreme example, and seeking to log (for example) the position of the quadrats as suggested would require significant work (such as fixing with GIS or GPS) which is usually only done for monitoring sites such as SSSIs: Scully XX by Ms Tester Day 12 AM 2. Moreover, Ms Marsh and the AONB Unit did not ask for further information.

⁵⁵⁸ Using ID36 as provide by the AONB Unit.

⁵⁵⁹ Scully EIC Day 12 AM 1.

⁵⁶⁰ See CD16.15 p. 62 table TS2-10.

the proposal. Were Mr Goodwin to also exclude the Henniker's pit woodland,⁵⁶¹ which shows ancient woodland qualities but is not registered, that would increase BNG even further.⁵⁶² So, you can have faith in the measurements outlined by Mr Goodwin.⁵⁶³

- (iv) Mr Scully also noted that Ms Marsh's efforts were "incomplete", as she had failed to change the target values for the particular habitats – on her view one starts and ends with neutral grassland. But, says Mr Scully, that does not make any real sense. Whatever state the grassland is in now, the work done will increase the number of species within it.⁵⁶⁴
- (v) Much was also made about the relocation of soil onto parts of the WLH, with a large focus on the deposit of the soil itself rather than looking at what happens after. This is rather like focusing only on the first five minutes of a medical operation. It was suggested that the metric focuses on grassland without reference to the soil underneath – but as Mr Scully explained the full process, including its effect on the soil is already taken into account in the metric.⁵⁶⁵ One cannot have grass without soil. (And moreover, on a non-metric basis, this of course has other environmental benefits such as the sustainability benefits of not moving tonnes of soil offsite).⁵⁶⁶ Furthermore, the technical reports submitted with the application consider that⁵⁶⁷ the proposed soil movement offers an opportunity to improve soil conditions. This is all controlled by condition with a detailed method statement required.

⁵⁶¹ As argued for by Ms Marsh – XX by Mr Maurici Day 11 AM 2.

⁵⁶² As Ms Marsh accepted, XX by Mr Maurici Day 11 AM 2.

⁵⁶³ Mr Goodwin EIC Day 2 PM 2. This does not, contrary to the claims of Ms Marsh, demonstrate some sort of fundamental flaw in the metric. It was a simple misuse thereof. As Mr Goodwin outlined, if you mix reds and whites in your washing machine and double the temperature, it is no fault of the machine if one's shirts come out pink.

⁵⁶⁴ Ms Salter EIC Day 12 AM 1.

⁵⁶⁵ See Ms Tester's XX of Scully, Day 12 AM 2, and the rather odd suggestion that somehow grassland is assessed separately from soil such that soil is not taken into account.

⁵⁶⁶ See above para. 37(iv) and the footnotes set out therein.

⁵⁶⁷ See CD5.6.17 paras. 4.4 – 4.6 and see Mr Goodwin RX (Day 13 AM 2).

102. And pausing there, obviously as one progresses through the metric – from measurement to translation to outcome – there are areas where professional judgments may differ. Ms Marsh, however, laced her EIC with insinuations that the Appellant had sought to “manipulate” the scores and “subtly downgrade” them.⁵⁶⁸ However, when she was challenged on this she accepted she was not making any actual allegation, simply saying there were “opportunities” for that to occur.⁵⁶⁹ We ask you to put such, frankly, unworthy suggestions from your mind.

103. Overall we say simply this: With the exception of Ms Marsh, all the ecologists concerned with this case agree that there significant biodiversity benefits. The BNG goes far beyond what is currently required by legislation and policy,⁵⁷⁰ and beyond what is currently mooted for the Environment Bill (10%).⁵⁷¹ The BNG metric is not the ‘be all and end all’, but Mr Goodwin has shown that the measures proposed also meet the requirements of the AONB MP and are positive. Mr Scully agrees, going so far as to say that trying to get this amount of ecological benefit into a development such as this was a “tall order”, an “ambitious” approach which shows a “step change” from what has been done in the past.⁵⁷² We have dealt with the LEMP both now in landscape and ecology – ongoing management is – to borrow a phrase from *1066 And All That – A Good Thing*. Nothing you have heard so far indicates otherwise. Even Ms Marsh was constrained to accept that if you agree there is a biodiversity benefit, it would be a positive for the natural beauty of the AONB, weighing in favour of the development.⁵⁷³ And, as one final point, a number of suggestions have been made that woodland and grassland will do better if we “do nothing”. We do not accept that, but that is not a realistic hypothetical – the Applicant is entitled to do whatever it wishes within the bounds

⁵⁶⁸ Ms Marsh EIC Day 11 AM 1 and 2.

⁵⁶⁹ Ms Marsh XX by Mr Maurici Day 11 AM 2.

⁵⁷⁰ Even Ms Marsh had to accept that at present there is no policy or legal requirement for a 10% BNG increase, contrary to what is implied in Ms Marsh PoE (CD23.4.1) para.7.10.

⁵⁷¹ As Mr Scully made clear in XX by Ms Tester (Day 12 AM 2), it is not material whether it exceeds 10% by 30%-40% or 20%-30%, there is still a high degree of confidence there is a substantial BNG. See too Mr Scully PoE (CD23.2.4) para. 5.17.

⁵⁷² EIC Day 12 AM 1.

⁵⁷³ Ms Marsh XX by Mr Maurici Day 11 AM 2.

of the law with its own land, refusing permission will not leave it preserved in aspic. Indeed, it is likely to see the return of horse use, as we set out earlier.

Planning

104. How does all this fit together as a matter of planning judgment? The CMC note, basing itself on the call-in letter, asked the parties to consider (1) the extent to which this proposal is consistent with national policy on the natural environment, delivering a supply of homes, the historic environment and sustainable transport, (2) the extent to which it is consistent with the Development Plan (and the weight to be attributed to the emerging Local Plan policies), and (3) whether any harm or conflict would be outweighed by other considerations.⁵⁷⁴ If we may borrow the pithy style of Dr Miele: (1) it is, (2) it is, and (3) they would.⁵⁷⁵

105. Before we drill into this, we wish to say a bit about what NE is doing here. It does not present evidence on biodiversity, heritage, transport, air quality, or housing land supply.⁵⁷⁶ NE's own planning witness seemed more than a little confused about how these matters weigh in the planning balance if you decide them against us⁵⁷⁷

National Policy

(i) Natural Environment

106. This comprises a consideration of both landscape and biodiversity concerns. We begin with landscape.

107. It is not in dispute that the most important policy in this section of the NPPF is para. 177, that this is a development management test written to test major development outside of the Local Plan process, that whether it is satisfied is a

⁵⁷⁴ CMC Note CD9.10 para. 4.

⁵⁷⁵ For a fuller summary see Mr Slatford PoE sections 14 and 15.

⁵⁷⁶ Ms Kent PoE (CD23.5.2) para. 1.18.

⁵⁷⁷ Ms Kent, when asked how the 5YHLS weighed in the balance if decided against us, prevaricated many, many times before accepted that, contrary to Ms Kent PoE (CD23.5.2) para. 1.8 the provision of housing would not "weigh against" the proposal and is "never a negative": XX by Mr Maurici Day 13 PM 1.

matter of planning judgment (both on exceptional circumstances and public interest).⁵⁷⁸ Mr Slatford confirms that test is satisfied in this case.⁵⁷⁹ Mr Hazelgrove agrees.⁵⁸⁰ TWBC have manifested an intention that this site should be developed through both deciding to allocate the Site in the emerging Local Plan and through resolving to grant permission.⁵⁸¹

108. Can we start with five fairly fundamental points. First, a number of parties and advocates have suggested this is a “stringent” test.⁵⁸² We see no point in getting particularly hooked on precise semantics, but note that the courts have made clear that what is an “exceptional circumstance” is a lower test than the “very special circumstances” test for release of land from the Green Belt, and that it is the *latter* test which has been described as “stringent”.⁵⁸³ So while it is not disputed that the exceptional circumstances test in para. 177 is a high test, it is not a test that is as stringent as that which applies to the grant of planning permission in the Green Belt. It is as the Court of Appeal held in *Luton* “less demanding”. Frequent reference was made both in this section and in the landscape section to the Glover Report.⁵⁸⁴ However, this is not policy. Since it has been prepared, the NPPF has

⁵⁷⁸ Accepted in XX by Ms Kent – XX by JM, Day 13 AM 2.

⁵⁷⁹ Mr Slatford EIC Day 16 AM 2.

⁵⁸⁰ Mr Hazelgrove PoE (CD23.2.1) para. 9.04.

⁵⁸¹ Accepted by Ms Kent Day 13 AM 2.

⁵⁸² In cross-examination by Mr Wotton of the planning witnesses he suggested that when major development in the AONB is considered outside a local plan process and the exceptional circumstances test has to be applied, that it should be applied to a similar standard as it would be when considering whether a site is allocated in the local plan i.e. looking equally thoroughly at all available alternatives. Otherwise, he suggested this would only encourage what he dubbed “speculative” applications. There are a number of flaws in this analysis. First, as already noted the para 177 test, including para. 177(b) is a test that is only directly applicable in development management not at the Local Plan stage. (Albeit it can be relevant indirectly in terms of considering the deliverability of sites, because the allocation of a site for major development in the AONB does not remove the site from the AONB or mean that para. 177 must not be applied at the planning application stage). Secondly, again as already noted case-law confirms that there is no prescribed scope for the consideration of alternatives under para 177(b) e.g. whether it must cover the whole administrative area or a larger or smaller area. Where an application is directed at meeting the need in a particular town there may be a good reason for limiting the search for alternatives in and around that town rather than taking it wider. Each case turns on its own merits. In contrast by definition a Local Plan is focussed on the whole area. Thirdly, in any event in this case happily all the extensive evidence gathered in the emerging Local Plan process is available and can be taken into account and considered on this application. See Mr Slatford XX by Mr Wotton, Day 16 PM 2.

⁵⁸³ *R (Luton BC) v Central Bedfordshire Council* [2015] 2 P. & C.R. 19, [56]. CD20.04.

⁵⁸⁴ Which you have at CD16.9.

been revised and its recommendations not implemented. Nor – notwithstanding a suggestion by Mr Byass⁵⁸⁵ that it could be read as indicating a change to the way policy is applied rather than policy itself – has there been any Government guidance or PPG suggesting the same. Accordingly, it can only be given minimal, if any weight.⁵⁸⁶

109. Second, NE suggests, repeatedly, that major development sites should come forward through the emerging Local Plan process rather than the planning application process.⁵⁸⁷ But para. 177 of the NPPF is a development management test – as is evident from its text, made clear by the Courts,⁵⁸⁸ made perfectly clear by Mr Slatford⁵⁸⁹ and with which Ms Kent agreed.⁵⁹⁰

110. Third, the three considerations at paras. 177 are not exclusive.⁵⁹¹ It is common ground that when you are assessing whether there are exceptional circumstances, you can look at all the benefits of the scheme. It is not the case that each benefit has to be exceptional. General planning needs, such as ordinary housing, can form part of an exceptional circumstances case. It is not the case that the factors involved have to be unlikely to occur in a similar fashion elsewhere.⁵⁹²

⁵⁸⁵ Mr Hazelgrove XX by Mr Byass Day 15 PM 1.

⁵⁸⁶ This in fact appears to have been common ground between the planning witnesses. The fact that the NPPF has not been changed and weight should be limited was confirmed by Ms Kent in XX (Day 14 AM 2) Mr Hazelgrove (XX by Mr Byass Day 15 PM 1) and Mr Slatford (Day 16 AM 2). That there has been no change to the PPG was confirmed by Mr Hazelgrove (XX by Mr Byass Day 15 PM 1).

⁵⁸⁷ NE SOC (CD9.6) para. 1.4, 7.1c as accepted by Ms Kent (XX by Mr Maurici Day 13 AM 2).

⁵⁸⁸ *Wealden* (CD20.5) paras. 62-63 and also *Compton BC v Guildford BC* (CD20.17) at paras. 209 – 217 holding that what is now para. 177 “applied in terms to development control decisions” albeit that this did not mean that it had no ramifications in plan-making when assessing the deliverability of allocations.

⁵⁸⁹ Mr Slatford PoE (CD23.1.5) para. 6.6 and 6.7.

⁵⁹⁰ XX by Mr Maurici Day 2 AM 2.

⁵⁹¹ See *Wealden* CD20.14 [63] extracted in Mr Slatford PoE (CD23.1.5) para. 6.15, and the CABI International decision (CD19.4) para. 13-15.

⁵⁹² Accepted by Ms Kent XX by Mr Maurici Day 13 PM 1, and see Newhouse Farm CD19.13 para. 116 and *Compton PC* (CD20.17) headnote paras. 2-3. A suggestion otherwise is made in Ms Marsh Proof of Evidence (CD23.4.1) para. 9.4. However, in XX Ms Marsh fairly accepted she was not a planner, and so we simply say that you can give no weight to that. She was asked about this in XX and could not answer: Day 11 AM 2.

111. Fourth, and in the light of that, various lessons can be drawn from previous inspectors decisions as to what may be in the “basket” or “package” of benefits to satisfy the exceptional circumstances and public interest test.⁵⁹³ Obviously, all cases turn on their facts.⁵⁹⁴ However, Ms Kent accepted⁵⁹⁵ that (1) housing need can be an important part of the basket, (2) it is a relevant consideration that a large part of a district or Borough is in the AONB or has other similar restrictions; (3) it is highly relevant⁵⁹⁶ that the application or appeal site is in a sustainable location and/or settlement; (4) the level of impact on the AONB, and in particular if there is little or no impact (including the extent of mitigation measures); and (5) all other benefits including economic benefits such as those that housing brings. We also note that in none of the appeal decisions on exceptional circumstances considered at this inquiry was the site allocated in an adopted or emerging plan⁵⁹⁷, and this is also something which can form part of the exceptional circumstances case under para. 177. These factors echo those outlined for you by Mr Slatford, who further adds that the assessment of alternative sites is a main consideration.⁵⁹⁸

⁵⁹³ By way of reminder: Steel Cross (CD19.1) paras. 89-90, *Wealden* as set out in Mr Slatford POE (CD23.1.5) para. 6.15ff where exceptional circumstances were found based on (1) need and (2) no landscape harm; Little Sparrows (CD19.10) where exceptional circumstances could be found where there was (1) a 4.21 YHLS, (2) a finding of some but only localised harm to the AONB and (3) a range of other benefits; Old Red Lion Street (CD19.5) where there was (1) a severe shortfall in housing supply, (2) limited scope for developing outside of constrained areas, (3) a sustainable location and (4) within one of the most sustainable settlements in the district; Milton-under-Wychwood (CD19.11) where there was (1) a shortfall in the 5YHLS (2) a significant need for affordable housing, (3) positive impacts on the local economy, (4) no reason to suppose a scheme would not be high quality and (5) in a sustainable location.

⁵⁹⁴ Ms Kent sought to bolster her case by reference to the Newhouse appeal decision (CD19.13). However, as Mr Slatford explained in EIC (1) that was an outline application (2) for 473 dwellings, (3) which was not allocated in a draft plan, (4) which had been refused by the council and opposed on appeal, (5) unusually for that area the Horsham local plan requirements exceeded its need and (6) the constraints differed – 6.8% of the LPA area was in the AONB compared to 69% in this case, so (7) TWBC confirmed it could meet its need without allocating sites in the AONB. It is therefore clearly distinguishable from the present case in all these regards. See Mr Slatford EIC Day 16 AM 2.

⁵⁹⁵ XX by Mr Maurici Day 13 PM 1.

⁵⁹⁶ Ms Kent only accepted this can be “relevant” rather than “highly relevant”.

⁵⁹⁷ Note that as was explained by Mr Slatford unlike with Green Belt where in the Plan process a site is not just allocated but the land removed from the Green Belt for AONB where land is allocated for development it remains in the AONB. And that means for major development the para. 177 tests must still be passed even for an allocated site: see Mr Slatford EIC Day 16 PM. That this is the position is confirmed by the decision in *Compton* (CD20.17, see above) and see also the BKF OR at CD18.5 at para. 10.18 onwards.

⁵⁹⁸ Mr Slatford EIC Day 16 PM.

112. Fifth, at various times in XX of witnesses Mr Byass referred to para. 176 of the NPPF which says “[t]he scale and extent of development within all these designated areas should be limited”. This wording was added to the national policies protecting AONBs in the NPPF (2018) and was considered by the Courts in the *Advearse* case (CD 20.10) at paras. 34 – 38. The Judge was of the view that this wording was not a further test to be met for major development beyond that which is now set out in para. 177 of the NPPF.
113. Turning to the particular sub-paragraphs, Para 177(a) has two elements: (i) the need for development (including any national considerations) and (ii) the impact of permitting it on the local economy.
114. We start with need. We rely on there being a national, district, and local need for housing and in particular for affordable housing. Nationally, it is not contested by any professional witness that there is a national need there being a housing crisis⁵⁹⁹. Ms Kent accepted this is an imperative to boost the supply of housing⁶⁰⁰ and we have seen already it is an important factor in previous decisions on the “basket”. Indeed, contrary to Ms Kent’s suggestion⁶⁰¹ need is so important that it, combined with no or limited/localised landscape harm to the AONB, has been found to constitute exceptional circumstances.⁶⁰² It is also important to note the existence of other sites, which collectively still fall short of the full OAN, does not amount to an alternative for these purposes.⁶⁰³
115. At the supra-district level, the AONB MP recognises that declining affordability, including a lack of social housing, is one of the top 5 issues facing the AONB.⁶⁰⁴

⁵⁹⁹ Cllr Warne suggested this was “what we’re told” but that there is a “lot more nuance”: XX by Ms Lambert Day 15 AM 1.

⁶⁰⁰ XX by Mr Maurici Day 13 PM 1. As did Ms Daly XX by Mr Maurici Day 9 AM 1.

⁶⁰¹ Ms Kent PoE (CD23.5.2) para. 4.19.

⁶⁰² Steel Cross (CD19.1) paras. 89-90, *Wealden* as set out in SS PoE para. 6.15ff.

⁶⁰³ Steel Cross (CD19.1) paras. 89-90 accepted by Ms Kent XX by Mr Maurici Day 13 PM 1.

⁶⁰⁴ CD23.1.3 para. 4.20.

116. At the Borough level, it is common ground there is no 5YHLS here⁶⁰⁵ and that in any case that is a minimum requirement.⁶⁰⁶ Some attempt has been to suggest that the shortfall here is “marginal”, but as Ms Kent accepted⁶⁰⁷ (a) even a 0.1 YHLS is enough to trigger the tilted balance, and (b) this cuts both ways – as Mr Slatford explains TWBC’s housing delivery is just on the threshold of not needing a 20% buffer applied, moreover (c) Mr Hazelgrove considers the need “critical and substantial”⁶⁰⁸ and in any case (d) in previous decisions even “slight” shortfalls have been considered very important.⁶⁰⁹ TWBC has consistently had an under-supply for many years, and as Mr Hazelgrove confirmed TWBC is having to grant permission contrary to its Development Plan and for a number of sites outside the limits to built development to increase supply.⁶¹⁰

117. Some suggestion has been made that this 5YHLS is resolved if Hawkhurst Golf Course is consented. However:

- (i) It is not just 5YHLS that matters. TWBC is under an obligation, imposed by the NPPF, to plan for up to 15 years ahead.⁶¹¹ As the Local Plan is out of date, TWBC has adopted a figure for the emerging Local Plan using the Standard Method. The OAN based on this method is 12,204 dwellings over the period from 2020-2038.⁶¹² This need is not challenged by NE.⁶¹³ While others have in the emerging Local Plan process contested the setting of a housing requirement that would meet the full OAN, as Mr Slatford’s evidence explains why this requirement is highly unlikely to change⁶¹⁴. And, TWBC has concluded that to meet its full OAN it has to allocate sites for major development in the AONB. It has, therefore, a “pressing” need to

⁶⁰⁵ Accepted by Ms Kent XX by Mr Maurici Day 13 PM 1.

⁶⁰⁶ Accepted by Ms Kent in XX by Mr Maurici Day 13 PM 2.

⁶⁰⁷ XX by Mr Maurici Day 13 PM 2.

⁶⁰⁸ Mr Hazelgrove RX Day 16 AM 1.

⁶⁰⁹ Mr Slatford EIC Day 16 AM 2 citing Gate Farm (CD19.8) para. 134. This accords with Mr Slatford’s planning judgment – as he told Mr Byass whatever the shortfall, failing to meet the 5YHLS is an “urgent or critical matter” (XX by Mr Byass Day 16 PM 1).

⁶¹⁰ Hazelgrove EIC Day 15 AM 2.

⁶¹¹ NPPF para. 68.

⁶¹² Mr Slatford PoE (CD23.1.5) para. 6.65.

⁶¹³ CD14.1.4 Reg 19 response, accepted by Ms Kent in XX by Mr Maurici Day 13 PM 2.

⁶¹⁴ Mr Slatford proof paras. 6.65 – 6.71 and Mr Slatford RX Day 16 PM.

continue to provide housing in the Borough not just this year, but every year up to 2038.⁶¹⁵ If major development cannot take place in the AONB, as NE and the AONB Unit contends for, TWBC will be unable to meet its OAN.⁶¹⁶

- (ii) There are concerns about how swiftly the Hawkhurst Golf Course scheme could come forward and whether it could in fact be part of the 5YHLS. The appellant for that development is not a developer or housebuilder, there is no provider for the 55+ housing package, no provider for the affordable housing, it is outline permission with many RM outstanding, there is a requirement to provide a relief road which will not be ready until 2025 at the very earliest⁶¹⁷, and the Golf Club is listed as an Asset of Community Value (albeit an appeal is outstanding).⁶¹⁸ This Development, by contrast, is a full application owned by a reputable housebuilder, currently in the process of building out TP1, and could potentially commence in September 2022, and have last occupation by May 2025.⁶¹⁹
- (iii) Development in Hawkhurst cannot, of course, help with local need in Cranbrook, to which we now turn.⁶²⁰

118. There is a pressing need for more local housing and local affordable housing, as Ms Kent accepted.⁶²¹ Cranbrook represents 5.7% of the Borough's population. If it were to take a proportionate share of the Borough-wide need, it would need 585 dwellings over the next 15 years.⁶²² With regard to affordable housing there are

⁶¹⁵ EH EIC Day 15 AM 2.

⁶¹⁶ As confirmed by Mr Hazelgrove in RX Day 16 AM 2. This appears to be the approach favoured by CPRE, as Mr Wotton explained to Mr Slatford in XX (Day 16 PM 1). While it is theoretically possible the emerging Local Plan examiner will reduce the housing requirements for TWBC, in Mr Slatford's experience that is highly, highly unlikely: XX by Mr Wotton Day 16 PM 1 and see Mr Slatford PoE (CD23.1.5) para. 6.66.

⁶¹⁷ It is a major piece of infrastructure.

⁶¹⁸ All as explained by Mr Hazelgrove in EIC Day 15 AM 2 and Mr Slatford EIC Day 16 AM 2.

⁶¹⁹ Mr Slatford EIC Day 16 AM 2.

⁶²⁰ Mr Slatford EIC Day 16 AM 2.

⁶²¹ XX by Mr Maurici Day 13 PM 2.

⁶²² Mr Slatford PoE (CD23.1.5) para. 6.75 "As Cranbrook represents 5.7% of the Borough's population and the standard method for the Borough is currently 677 dpa this would indicate a need for 39 dwellings per annum at Cranbrook (585 dwellings over 15 years). This is a very broad, high level way of distributing housing on a 'fair share' basis, since the amount of homes each settlement gets is

925 households on the housing needs register, of which 175 applicants have specified they wish to live in Cranbrook, and 62 households have a local connection to Cranbrook.⁶²³ The Housing Needs Assessment Topic Paper (December 2021)⁶²⁴ suggests that the Borough wide need, if the backlog is taken into account, is 391 dwellings per year. Completions are an average of 81.6 per year.⁶²⁵ So, on any view there is an acute need for affordable housing.

119. The draft NP says its own assessment carried out by AECOM suggests at least 610 net dwellings are needed in the parish between 2017-2033, and also importantly 300 affordable homes for local businesses.⁶²⁶ The local need, both generally and for affordable housing, cannot be met by current permitted schemes such as BKF and TP1.⁶²⁷

120. Taking all of that into account, it is not seriously disputed that the provision of housing and affordable housing is a significant benefit.⁶²⁸ NE accepts that the provision of affordable housing attracts significant weight, and then – because we are providing 40% rather than the minimum policy requirement of 35% - we get *additional weight added*.⁶²⁹

proportional to its current population”. We note Ms Kent undertakes a similar calculation using the out of date Local Plan numbers at Ms Kent PoE (CD23.5.2) para. 3.3.

⁶²³ Mr Slatford PoE (CD23.1.5) para. 6.78. Ms Kent said this is not challenged by NE XX by Mr Maurici Day 13 PM 2.

⁶²⁴ C14.2.4 .

⁶²⁵ ID46 Table 26. As agreed by Ms Kent in XX by Ms Lambert Day 14 AM 2.

⁶²⁶ CD13.1 para. 7.4.

⁶²⁷ As accepted by Ms Kent Day 13 PM 2. BKF has 63 affordable units, TP1 has 12. 75 units falls some way short of the 175 required.

⁶²⁸ Mr Byass in XX of Mr Slatford (Day 16 PM 1) confirmed that NE and Ms Kent considered the provision of housing and affordable housing should be given significant weight.

⁶²⁹ Ms Kent originally made a point in Ms Kent PoE (CD23.5.2) para. 4.118 tempering the additional weight due to the tenure split. However she accepted in XX that she was no longer pursuing this as TWBC accepted the tenure split as acceptable: XX by Mr Maurici Day 13 PM 2. Cllr Warne suggested the tenure in the Development is not the same as would be provided by the CVLT, but there is no suggestion it does not comply with the policy requirements for affordable housing: XX by Ms Lambert Day 15 AM 2. On a similar theme, Mr Wotton in XX (Day 16 AM 1) sought to suggest TWBC were accepting “second best” as there was no “local connection” in the s. 106. However, there is for the affordable rented units: Schedule 3 paras. 3.11.2-3.11.4 of the s. 106 Agreement (CD7.5).

121. As to the local economy benefits – the second limb of NPPF para 170(a) – these have been set out for you by Mr Slatford⁶³⁰ and are not challenged by NE.⁶³¹ The highlights include that the Development could support c.£15.96 million of indirect GVA per annum in total. This equates to around £29 million direct, indirect and induced GVA in total per annum although it should be noted that not all of this will be retained locally and the net additional expenditure to be generated by the scheme could be in the order of £3.1 million per annum.

122. We turn to para 177(b). There was a lot of discussion of alternatives during the planning session, so it needs taking in detail. We make five introductory points.

123. First, the Court of Appeal in the *Wealden* case⁶³² has laid down the following principles applicable in considering para. 177(b):

- (i) While para. 177(b) of the NPPF, does not refer specifically to alternative sites, in many cases this will involve the consideration of alternative sites;
- (ii) The focus of para. 177(b) is on alternatives “outside the designated area” so outside of the AONB, not other possible locations for development in the AONB, albeit that it does also require consideration of ways of “meeting the need for it in some other way”;
- (iii) The NPPF does not seek to prescribe for the decision-maker how alternative sites are to be considered under para. 177(b) in any particular case. It does not say that this exercise must relate to the whole of a local planning authority’s administrative area, or to an area larger or smaller than that. There is thus a considerable discretion accorded to a decision-maker as regards the extent to which alternatives are considered. So where there is,

⁶³⁰ Mr Slatford PoE (CD23.1.5) para. 4.8v.

⁶³¹ Ms Kent XX by Mr Maurici Day 13 PM 2. Instead an odd point is made in Ms Kent PoE (CD23.5.2) para. 4.22 that it is unclear if all people are moving in from outside the Borough, however unless NE is suggesting that people living in the Borough will go on a spree of buying second homes, also within the Borough, this point is self-evidently meritless.

⁶³² See Mr Slatford PoE (CD23.1.5) at paras. 6.15 and 6.16, and CD20.05, at the time the relevant policy was in para. 116 of the NPPF (2012) but was materially identical for these purposes.

for example, a local need for housing in a particular town the search for alternatives can properly be limited to that town;

- (iv) Where the need in issue is area-wide the extent of the consideration of alternatives is context dependent. So, in the *Wealden* case itself there was both a district-wide need and a need in the town where the development was proposed, namely Crowborough. The District in that case was, as here, very largely AONB and so most of it was equally constrained⁶³³. The Inspector said “[e]ven if the search for alternative sites is taken wider than Crowborough, there is a lack of housing land to meet the full OAN ... The existence of other sites, which collectively still fall short of the full OAN, does not amount to an alternative and there are no plans, through the duty to cooperate or otherwise, for neighbouring districts to provide for the shortfall”. The Court of Appeal explicitly upheld the approach as being a lawful and proper one to take under what is now para. 177(b).
- (v) Mr Slatford rightly refused to accept that para. 177(b) imposed a stringent test, as the Court of Appeal in *Wealden* had made clear that there is considerable flexibility in how alternatives are considered by a decision-maker.

124. Second, applying this to the present case – and focussing for the moment on the Borough wide position. The OAN for this Borough is 12,204 dwellings to 2038 (see above) and it is agreed⁶³⁴ that this is a highly constrained Borough. Approximately 70% of the Borough is AONB⁶³⁵ and 22%⁶³⁶ is Green Belt⁶³⁷ and there are also numerous other constraints including a wide network of biodiversity sites and thousands of heritage assets⁶³⁸. The potential area of search within the Borough is thus very limited to start with. As Mr Hazelgrove explained the only settlement of any size outside the AONB, leaving to one side for a moment

⁶³³ CD19.01, and para. 16 of Mr Slatford’s PoE.

⁶³⁴ All accepted by Ms Kent in XX by Mr Maurici, Day 13 PM 2.

⁶³⁵ See Mr Hazelgrove PoE (CD23.2.1) para. 3.15, and see CD12.8, p. 18.

⁶³⁶ See Hazelgrove RX, Day 16 AM 1.

⁶³⁷ ID02, para.6.

⁶³⁸ See Mr Hazelgrove PoE (CD23.2.1) para. 3.16.

Tunbridge Wells and Southborough, is Paddock Wood. So to meet the need outside of the AONB one would be looking at funnelling everything into Paddock Wood. That would not be an equitable or sensible distribution and in any it is already allocated up to capacity as indeed are Tunbridge Wells itself and Southborough. Moreover, these settlements are themselves surrounded by, and constrained by, AONB.

125. Third, it was sought to be suggested by Mr Byass that the requirement to satisfy para. 177(b) lies entirely with an applicant for permission but that is not, as Mr Hazelgrove pointed out, what is said in the NPPF. There is thus nothing at all to prevent reliance on work undertaken by the local planning authority on alternatives, for example, as here in the context of the emerging Local Plan.

126. Fourth, Mr Slatford's view - and this was supported by Mr Hazelgrove⁶³⁹ - was that the focus on alternatives should be on sites in and around Cranbrook⁶⁴⁰. That is because there is here a very clear need for housing in Cranbrook itself (see above) something which Ms Kent accepted. And, "[t]he whole of Cranbrook town centre and the surrounding area lies within the AONB. While some areas within the parish lie outside the AONB, but these are away to the north and well outside the town centre/LBD"⁶⁴¹. In XX it was accepted by Councillor Warne that TWBC's planning officers had rejected such remote northern locations as being unsustainable in terms of meeting the need in Cranbrook⁶⁴². If the focus is on the need for housing in Cranbrook itself then the search for alternatives has to be for alternatives in and around Cranbrook itself. Providing housing in Hawkhurst or Paddock Wood does not meet the need for housing in Cranbrook⁶⁴³.

⁶³⁹ See Hazelgrove XX by Mr Byass, Day 15 PM 1.

⁶⁴⁰ See Slatford EIC, Day 16 PM.

⁶⁴¹ See Hazelgrove PoE (CD23.2.1) para. 4.12, again accepted by Kent in XX. And see also Hazelgrove PoE (CD23.2.1) para. 4.19 "the town centre of Cranbrook is wholly within and surrounded by the AONB, and therefore any housing proposed in or on the edge of the town would be within the AONB".

⁶⁴² XX by JM (Day 15 AM 2).

⁶⁴³ A point made by Mr Hazelgrove in his EIC (Day 15 AM 2).

127. Fifth, in XX of Mr Slatford by Mr Byass⁶⁴⁴, it was suggested that the Applicant was unduly focussed on the need for housing to 2038, and that because 85% of the allocations in the emerging Local Plan are outside the AONB this shows that as matters stand now there are alternative sites outwith the AONB for development. But that event is flat contrary to the approach taken by the Inspector in the *Wealden* case, and upheld by the Court of Appeal⁶⁴⁵. We are therefore searching not for a single possible alternative site for the Development but for sufficient sites to meet the OAN. The sites in the emerging Local Plan are all needed to meet the OAN, they are thus not alternatives.

128. Against that background we turn to the evidence of the Rule 6 parties on alternatives.

129. NE has led the opposition to the Development, and was the only Rule 6 party to call any professional planning evidence at this inquiry. Yet, it has not sought to undertake any assessment of the availability of alternatives in Cranbrook, the Borough or indeed beyond. It has not as part of its evidence sought to advance any site anywhere as being an alternative. This is a material omission. Thus, in the recent Sonning appeal decision⁶⁴⁶ the Inspector noted⁶⁴⁷ that while the local planning authority in that case (which was opposed to the appeal) “questioned this assessment” it “never really suggested any alternative sites”. The same is true here of NE.

130. NE’s case on para. 177(b) is a very limited one. It is essentially confined to two points. First, it criticises the Applicant’s own assessment of alternatives submitted with the planning application⁶⁴⁸, because it is limited to sites in and around Cranbrook rather than being Borough wide. Second, while it recognises that TWBC has, as part of the evidence base for the emerging Local Plan, undertaken a

⁶⁴⁴ Day 16, PM 1.

⁶⁴⁵ See Mr Slatford RX, Day 16 PM 2 and see also CD19.1 para. 89.

⁶⁴⁶ CD19.10.

⁶⁴⁷ See para. 115.

⁶⁴⁸ CD3.12.

far more comprehensive Borough wide analysis⁶⁴⁹ (see below) it says that this cannot be relied on at this inquiry because it is yet to be tested at examination. These two contentions are both flawed for reasons that will be explained shortly.

131. The case of CPRE on alternatives, advanced through Councillor Warne, has been to suggest that the work done in the course of the preparation of the draft NP means that “alternative sites were available to meet housing need in the Parish”⁶⁵⁰. But it does not much matter whether one looks at the published (though still draft) AECOM assessment of alternatives⁶⁵¹ or the somewhat sketchy details we now have of the further assessment of alternatives later undertaken by NP Steering Group.⁶⁵² In the end Councillor Warne did not put forward any particular site as an alternative, and we know that no sites were allocated in the draft NP.

132. The evidence presented to this inquiry by Mr Hazelgrove⁶⁵³ shows that all of the sites referred to in Councillor Warne’s⁶⁵⁴ evidence have since been considered and rejected in the SHELAA⁶⁵⁵ and/or refused planning permission. Indeed, in respect of many of these sites the Parish Council itself objected to the planning applications made. At the end of the XX of Councillor Warne by Ms Lambert she was able to put CPRE’s case no higher than that amongst all these sites there could possibly still now be some that might still deliver some housing albeit she could not even begin to quantify this. Moreover, she accepted in terms that as matters stood today many of these sites had been ruled out by the SHELAA assessment and/or refusals of planning permission. When it was put to her that what

⁶⁴⁹ Indeed TWBC’s process goes beyond the Borough, see CD14.2.2 p. 52 “The scope for developing outside the AONB has not been restricted to the Borough. Neighbouring authorities have been made aware of the need for major development in the AONB if TWBC is to meet its own housing need in full and were contacted to ask if there is scope for this to be met elsewhere. These are set out in the Duty to Cooperate Statement.”

⁶⁵⁰ See Cllr Warne PoE (CD23.3.3) at para. 5.4, emphasis added.

⁶⁵¹ CD13.2: as it was a draft and never consulted on its weight must be limited: see Mr Hazelgrove RX Day 15, PM 3.

⁶⁵² This later assessment was an exercise which was undertaken by non-professionals, was never published nor ever consulted on. Hence the weight it attracts is minimal.

⁶⁵³ ID52 and ID53, and see the EIC of Mr Hazelgrove.

⁶⁵⁴ Including, of course, on with which she has a family connection.

⁶⁵⁵ CD14.2.8, January 2021.

remained, if anything, in terms of capacity on these sites could not possibly meet the need for housing identified in the draft NP for Cranbrook and Sissinghurst she did not seek to demur from that conclusion. Mr Slatford supported this analysis⁶⁵⁶ noting that many of the sites assessed as “amber” by AECOM here were either already allocated in the emerging Local Plan or had been found unsuitable.

133. Mr Cook has undertaken an analysis of possible alternative sites identified by AECOM.⁶⁵⁷ He concludes overall that none could come forward with less harm to the AONB than the Site in issue.⁶⁵⁸ No other party has offered evidence contradicting this - Ms Farmer simply attempted to re-define the point by suggesting it is clear much of the landscape surrounding Cranbrook is sensitive and development would better be achieved through small sites only.⁶⁵⁹ Mr Cook was not challenged on his analysis by NE, and though Mr Wotton asked him some questions we say this simply reinforced the strength of his analysis.⁶⁶⁰

134. Having dispensed with the position of the other Rule 6 parties, The Applicant says that the position in relation to alternatives, for the purposes of para. 177(b) of the NPPF, is as follows:

135. First, in the course of preparing its emerging Local Plan TWBC has undertaken a comprehensive and extensive process of site selection. TWBC following a call-for-sites assessed in detail around 500 sites through the SHELAA process. Full details of the submitted sites, as well as those contained in previous Local Plans (which were not yet implemented) and additional sites identified by officers are set out in the SHELAA⁶⁶¹. This report also presents information about each site, its suitability, availability, achievability, with overall conclusions on their

⁶⁵⁶ See Mr Slatford EIC, Day 16 AM 2.

⁶⁵⁷ The Site Assessment is at CD13.2

⁶⁵⁸ Mr Cook PoE (CD23.1.7) para. 12.1-12.13.

⁶⁵⁹ Ms Farmer EIC Day 2 AM 1.

⁶⁶⁰ Even then, though, Mr Cook was very fair and frank in suggesting this part of his analysis only be accorded moderate weight: XX by Mr Wotton Day 6 PM 1.

⁶⁶¹ CD14.2.8.

appropriateness for allocation within the Local Plan. The conclusions have regard to the findings of the Sustainability Appraisal⁶⁶². The SHELAA process sought at all times to give weight to the conservation and enhancement of the AONB, with TWBC seeking to maximise the scope for development outside the AONB⁶⁶³. TWBC “concluded that all reasonable alternatives for locating development outside of the AONB are being pursued. Furthermore, it is evident that development to provide for homes and jobs at sustainable settlements within, or surrounded by, the AONB will need to be in the AONB”⁶⁶⁴. Moreover, TWBC has throughout the process sought to reduce the number of allocations in the AONB. These have reduced from 49 to 32 overall⁶⁶⁵, and from 19 major developments down to 11⁶⁶⁶. For all the proposed major developments the HDA LVIA was commissioned (at NE’s request) to look at the landscape effects (see above), and so were other studies such as on grassland⁶⁶⁷. The end result of that process, in the Reg. 19 version of that Plan submitted for examination, is that the Site is among those that have been proposed for allocation in order to meet the OAN of the Borough.

136. Thus, the position is that there is an extensive and publicly available evidence base that TWBC have been working on over many years to identify all possible, suitable locations for housing growth. That work is thorough, robust and comprehensive⁶⁶⁸. An applicant for planning permission could not have hoped to undertake so comprehensive a process. A call for sites process can only really be done by the Local Planning Authority, and the same is true for the whole SHELAA process. As Mr Slatford said it would be odd given the work done had the Applicant sought to itself replicate this work, and there is no reason why it would do so.

⁶⁶² See the summary in Mr Slatford PoE (CD23.1.15) at para. 6.105.

⁶⁶³ See e.g. CD14.2.2, p. 51.

⁶⁶⁴ CD14.2.2 p. 52.

⁶⁶⁵ Ibid para. 6.159.

⁶⁶⁶ Ibid para. 6.160.

⁶⁶⁷ See Slatford PoE (CD23.1.15) paras. 6.108 – 6.109.

⁶⁶⁸ See Slatford PoE (CD23.1.15) para. 6.92.

137. While it is true, as NE point out, that this evidence base is yet to be examined the evidence is available to this inquiry and is highly material. We say that it can properly be relied on. And, moreover, it is notable that the process has been the subject of no sustained criticism by any party at this inquiry. While the weight to be given to the emerging Local Plan itself is affected by the stage it has reached, the same is not true for the evidence base⁶⁶⁹. And this is supported by the Gate Farm appeal decision⁶⁷⁰ where considerable weight was given to the findings of the HDA LVIA which is itself part of the evidence base for the emerging Local Plan. The Inspector described that work “as an independent, professional review” and that it was of “some significance to the appeal” being something that cannot “be unduly discounted”. He said that the context was “an up-to-date, professional assessment of the potential to accommodate major development in Cranbrook and elsewhere and submitted to the Inquiry by the Council as local plan evidence ...”. The same can be said of the SHELAA process, and TWBC’s consideration of sites more generally.

138. Mr Hazelgrove was reticent at times to place undue reliance on this extensive evidence base and for understandable reasons but it is notable that:

- (i) He said in XX by Mr Byass that where a site was dropped between the Reg. 18 and Reg. 19 stages, as many were, one could assume that this was for a good reason and that the site was not thus an alternative;
- (ii) He has relied on the SHELAA to assess the availability of sites⁶⁷¹;
- (iii) His PoE at paras. 4.11 – 4.41 looks extensively at possible alternative sites including those dropped from the Reg. 18 Plan, those considered in the AECOM report in the context of the draft NP and others before concluding that “based on the available evidence ... there is no scope for developing

⁶⁶⁹ See Mr Slatford PoE (CD23.1.5) para. 7.2.

⁶⁷⁰ CD19.8 paras. 92 and 98.

⁶⁷¹ See Mr Hazelgrove PoE (CD23.2.1) para. 4.32.

sustainably located housing for Cranbrook outside the AONB that delivers the same level of benefits as the Turnden scheme”⁶⁷².

139. The Applicant’s assessment of alternatives submitted with the application⁶⁷³ was an additional piece of work on top of the extensive Borough wide (and beyond) assessment undertaken by TWBC in the content of the emerging Local Plan. The Applicant’s assessment is focussed on sites in Cranbrook and discounts a number of possible alternatives based on factors such as access, sustainability and AONB impact⁶⁷⁴. TWBC has not contested that analysis⁶⁷⁵. The only criticisms ventured of this work by the Rule 6 parties was on behalf of NE by Ms Kent. She raised two issues. First, that the exercise was confined to Cranbrook. Second, that it did not look at smaller sites. In relation to the first point Ms Kent accepted that to the extent there is a need for housing in Cranbrook this can only be met in and around Cranbrook. Second, in relation to smaller sites Ms Kent accepted that there were practical issues in delivering housing, and especially, much needed affordable housing on smaller sites⁶⁷⁶. Moreover, there is no evidence that any of these could deliver anything like the same scale of open space, planting, and BNG.

140. We turn to para 177(c). This involves assessing any detrimental effect on the environment, landscape and recreational opportunities and extent to which this can be moderated.⁶⁷⁷ We accept that this sub-paragraph deals only with any negative impacts and mitigation.⁶⁷⁸ Positive effects are taken into account in the general basket as per the *Wealden* approach.

⁶⁷² See Mr Hazelgrove PoE (CD23.2.1) para. 4.43ff.

⁶⁷³ CD3.12.

⁶⁷⁴ Mr Slatford PoE (CD23.1.5) paras. 6.112 and 6.113.

⁶⁷⁵ Ibid.

⁶⁷⁶ See Slatford PoE (CD23.1.5) paras. 6.33 – 6.34 and 6.37, and see Ms Kent XX by Mr Maurici, Day 14 AM 1.

⁶⁷⁷ You will recall Mr Byass repeatedly put to Mr Hazelgrove that if there was a negative effect which could not be moderated, it would follow no exceptional circumstances could be shown. Mr Hazelgrove did not agree that it was an automatic fail – he would have to reappraise the case (RH XX by Mr Byass Day 15 PM 1).

⁶⁷⁸ As accepted by Mr Slatford – XX by Mr Byass Day 16 PM 1.

141. Again we start with something of an overarching point, which is NE's approach to this. NE adopted the bizarre approach of making an objection to this scheme "in principle", without engaging with the LVIA,⁶⁷⁹ notwithstanding the fact their own witness accepts that the landscape impacts have to be assessed on a case specific basis and that a key tool in assessing landscape impact is an LVIA.⁶⁸⁰ Ms Kent, placed in a somewhat untenable position, was forced to defend this on numerable wholly unsupportable bases⁶⁸¹ before reverting to "well we've engaged with it now". That was not the only bizarre aspect to NE's case - it has also suggested that it does not object to sites once allocated (as with BKF), notwithstanding perfectly legitimate concerns may still arise, and notwithstanding that the para. 177 test continues to apply even after development is allocated in a Development Plan. Moreover, NE has continues to pursue the bizarre suggestion that major development is in principle objectionable in the AONB, notwithstanding that is exactly what para. 177 NPPF is designed to decide, that the AONB DG deals with major development,⁶⁸² and that it seems irreconcilable with NE's request that TWBC commission what became the HDA LVIA - with the attendant use of significant resources.

142. Putting the bizarreness of NE's position aside, there is clearly a dispute between NE and us about whose landscape evidence you should prefer.⁶⁸³ Mr Slatford remains of the view that Mr Cook's evidence and conclusions are correct - there would be no material adverse impact on the AONB and landscape

⁶⁷⁹ CD6.12.1 p. 3.

⁶⁸⁰ Ms Kent XX by Mr Maurici Day 13 AM 2.

⁶⁸¹ Ms Kent XX by Mr Maurici Day 13 AM 2. Ms Kent, placed in a clearly untenable position, sought to justify it based on (1) the fact NE could judge this on the principle of whether development in the AONB was acceptable, but was forced to accept that was decided by para. 177; (2) by relying on prematurity (see below); and (3) by suggesting NE has enough experience to understand the scale of development without looking in detail at the LVIA. None of these points is a remotely credible justification for NE's position.

⁶⁸² This is inherent in NE's objection to the draft LP - CD14.1.04. Ms Kent in XX by Mr Maurici (Day 13 AM 2) again was wholly unable to defend this position in any credible way.

⁶⁸³ Ms Kent is wholly reliant on Ms Farmer's evidence and accepts it- including Ms Farmer's criticisms of her *own firm* (Ms Kent XX by Mr Maurici Day 14 AM 1) and notwithstanding the fact Ms Kent was not actually present at Ms Farmer's XX and heard none of her answers (Ms Kent XX by Ms Lambert Day 14 AM 2).

character of the area would be preserved and enhanced, and the overall proposals for the Site are exceptional.⁶⁸⁴ Ms Kent accepted that if the Secretary of State prefers the evidence of Mr Cook, that would be an important consideration in deciding whether there are exceptional circumstances.⁶⁸⁵ We say it is, in fact, very, very important. Ms Kent also – rightly – accepted that she was wrong to suggest that the improvements to the WLH are not “reliant on” development.⁶⁸⁶

143. It is also important to a consideration of para 177(c) that our proposal does not negatively impact any recreational opportunities on the Site. To the contrary, it positively improves them, which is an additional benefit you can take into account – as Ms Kent agrees.⁶⁸⁷

144. Moving to other natural environment considerations beyond para. 177, let us pick up biodiversity and how that weighs in the planning balance. Mr Byass attempted to draw a distinction between the “great weight” accorded to conserving and enhancing landscape beauty in NPPF para. 176, and the fact that biodiversity matters are considered merely “important considerations” in the AONB. However, note that the duty on the Secretary of State to have regard to the purpose of conserving and enhancing the natural beauty of the AONB, and here references to conserving natural beauty include references to conserving its flora and fauna.⁶⁸⁸ Let us be very clear – the views of Mr Goodwin and Mr Slatford are that this would deliver exceptional ecological enhancements. They go far far beyond the current policy requirements,⁶⁸⁹ and far far beyond even the *anticipated* legal requirement of a 10% BNG which would not, due to transitional provisions, ever apply to this application. Even NE accepts that this scheme will deliver a BNG, and has now accepted that this can form part of an exceptional circumstances

⁶⁸⁴ Mr Slatford EIC Day 16 AM 2.

⁶⁸⁵ Ms Kent XX by Mr Maurici Day 14 AM 1.

⁶⁸⁶ Ms Kent PoE (CD23.5.2) para. 4.51. There is no requirement to provide the improvements to the WLH unless the LEMP is secured as part of a grant of permission. Otherwise, the land can simply go back to horse grazing. XX by Mr Maurici Day 14 AM 1.

⁶⁸⁷ Ms Kent PoE (CD23.5.2) para. 4.139 and 4.144.

⁶⁸⁸ Ss. 85, 92 Countryside and Rights of Way Act 2000 CD21.06 and 21.07.

⁶⁸⁹ Ms Kent accepted that neither the NPPF nor local policies set any BNG to be achieved: XX by Mr Maurici Day 14 AM 1.

basket.⁶⁹⁰ The importance of protecting flora and fauna is made very, very clear in the AONB MP.⁶⁹¹ Accordingly, it should attract significant weight.⁶⁹²

145. Also somewhat forced into the natural environment section – though no party alleges air quality harm to anything other than people – is the matter of air quality. We have already been through that in detail but in terms of the planning balance, we note simply that air quality here complies with the NPPF, Air Quality PPG, 2010 Core Strategy, Emerging Local Plan, and TWBC’s PPS on air quality in Hawkhurst.⁶⁹³

(ii) New Homes

146. We have outlined the desperate need this will meet above. We also highlight that adjacent authorities, with similar constraints to TWBC, are having difficulties meeting the housing needs in their area. Mr Slatford has set out the relevant paragraphs of the NPPF and concludes these are met.⁶⁹⁴ We do not understand that to be seriously challenged by any party.

(iii) Historic Environment

147. Turning to the historic environment, for the reasons we have set out already we submit you should prefer the views of Dr Miele to those of Ms Salter and Mr Page. Again, Mr Slatford outlines the relevant national policies and, drawing on the evidence of Dr Miele, he concludes that there is no harm to heritage interests or the historic grain of the landscape comprising the Site. The Development is therefore consistent with national policy on the historic environment.⁶⁹⁵

⁶⁹⁰ XX by Mr Maurici Day 14 AM 1.

⁶⁹¹ CD12.13, see the references Ms Lambert took Mr Hazelgrove through in RX (Day 16 AM 2), including pp 4, 16, 22, 25, 27, 43, and 60.

⁶⁹² Mr Hazelgrove RX (Day 16 AM 2).

⁶⁹³ Mr Slatford PoE (CD23.1.5) paras. 6.126-6.134.

⁶⁹⁴ Mr Slatford PoE (CD23.1.5) Section 7.

⁶⁹⁵ Mr Slatford PoE (CD23.1.5) Section 8.

148. If you prefer the evidence of Ms Salter and Mr Page, there is some degree of LTSH to weigh against the public benefits of the proposal.⁶⁹⁶ We deal with this below.

(iv) Sustainable Transport

149. NE's position relied on an objection made by KCC. That is now withdrawn and so there is no basis on which NE can object on transport grounds.⁶⁹⁷ The Site is very well located from a transport perspective, being within a reasonable proximity of the town centre and within easy walking/cycling distance of numerous local facilities.. Drawing on the evidence of Mr Bird, Mr Slatford confirms the Development complies with national policies on sustainable transport.⁶⁹⁸ Indeed the sustainability of the Development is itself a benefit⁶⁹⁹.

(v) Design

150. Notwithstanding that "Design" was not mentioned in the MHCLG call-in letter and none of the Rule 6 parties explicitly raised it, the quality of the design of this proposal has been an important aspect of this. For all of the reasons set out by Mr Pullan, Mr Slatford concludes that national policies on design in the NPPF and NDG are met (alongside of course the AONB MP, AONB DG and Kent DG). No party is in a position to challenge that conclusion and we commend that conclusion to you.⁷⁰⁰

(vi) Prematurity

151. Finally, we deal with one last national policy point, and that is the suggestion that this application can be refused for prematurity reasons regarding the emerging Local Plan (though, apparently, not the draft NP).⁷⁰¹ This is not an

⁶⁹⁶ The same package of benefits relied upon under NPPF para. 177 is relied on under NPPF para. 202.

⁶⁹⁷ Ms Kent XX by Mr Maurici Day 13 PM 1.

⁶⁹⁸ Mr Slatford PoE (CD23.1.5) Section 9.

⁶⁹⁹ Mr Hazelgrove's evidence was that this was a "strongly sustainable location", see Mr Hazelgrove PoE (CD23.2.1) p. 130. And see further Mr Slatford PoE (CD23.1.5) paras. 3.7 - 3.10 and Mr Hazelgrove PoE (CD23.2.1) paras. 4.13 - 4.17. This was accepted by Ms Kent, XX by Mr Maurici, Day 14 AM 1.

⁷⁰⁰ Slatford PoE (CD23.1.5) Section 10.

⁷⁰¹ CD9.6 para. 4.4.4 as confirmed by Ms Kent in XX by Mr Maurici Day 14 AM 2.

argument put forward by TWBC, whose emerging Local Plan process this Development would allegedly undermine.

152. NE's case is not that the Development is so substantial in scale that the test in para. 49(a) is satisfied,⁷⁰² but that it will in effect set a precedent, a "decision making paradigm"⁷⁰³ because the evidence and arguments underpinning the draft allocation of the Site in the emerging Local Plan also apply to other major draft allocations.⁷⁰⁴ Ms Kent came up with some rather unconvincing explanations⁷⁰⁵ but the nuance was largely brought out by Mr Byass in his XX of Mr Hazelgrove. He suggested that because the Development Strategy Topic Paper⁷⁰⁶ had referenced NPPF para 177 in allocating sites, and because some of what TWBC considered exceptional circumstances for this Site allocation also appeared for others, if the Secretary of State granted permission for this Development then "it is inevitable...this decisions will be rolled out for every other development in the AONB and the same arguments would succeed."⁷⁰⁷ Now:

- (i) This, NE admits, does not fall within para. 49(a) – NE is forced to rely on circumstances outside of the specific situations set out therein and depend on the use of the word "usually" to argue that para. 49(a) and (b) are not exhaustive. We do not suggest they are exhaustive but as Mr Hazelgrove said, while other situations may be conceivably possible they are highly unlikely.⁷⁰⁸
- (ii) Notwithstanding this theoretical difficulty, the suggestion is misconceived from start to finish, where

⁷⁰² As Mr Hazelgrove outlines the quantum of development is very small compared to the requirements of the emerging Local Plan – 165 houses compared to a need of 678 per annum. See Mr Hazelgrove PoE (CD23.2.1) para. 8.56.

⁷⁰³ Words of Mr Byass in XX of Mr Hazelgrove, Day 15 PM 2.

⁷⁰⁴ Ms Kent PoE (CD23.5.2) para. 4.98.

⁷⁰⁵ She suggested in XX by Mr Maurici that this was because the package of benefits arising was "not unusual" (Day 13 AM 2). As has clearly, clearly been established, they do not have to be. (Though, of course, the Applicant does say that some elements – such as the biodiversity benefits and enhanced landscaping – are exceptional in themselves).

⁷⁰⁶ CD14.2.2.

⁷⁰⁷ Question put by Mr Byass to Mr Hazelgrove Day 15 PM 2.

⁷⁰⁸ Mr Hazelgrove XX by Mr Byass Day 15 PM 2.

- a. The Development Strategy Topic Paper refers to *site specific* assessments;⁷⁰⁹
 - b. There is no reason to think that, even taking into account cumulative effects, permitting the Development in Cranbrook after a five week inquiry examining site specific detail will have an impact on other allocations, such as those in Penbury, or Hawkhurst. Indeed neither Mr Hazelgrove⁷¹⁰ nor Mr Slatford⁷¹¹ considered it would have any such impact.
 - c. NE's fears seem out of accordance with good planning judgment. A number of the sites it objected to have planning permission or are allocated.⁷¹²
- (iii) NE's approach is inconsistent with the Perrybrook decision.⁷¹³ In that case, the Secretary of State dismissed a prematurity argument in circumstances where the proposal was in keeping with the emerging Local Plan and therefore could not be said to undermine it. The same applies here.

Local Policy

Current Local Plan

153. The position of Mr Slatford and Mr Hazelgrove is that overall the Development is in accordance with the statutory Development Plan⁷¹⁴.

⁷⁰⁹ CD14.2.2 p. 53 Table 3, as confirmed by Mr Hazelgrove RX Day 16 AM 2.

⁷¹⁰ Mr Hazelgrove RX Day 16 AM 2.

⁷¹¹ XX by Mr Byass Day 16 PM 2.

⁷¹² The sites are listed in CD14.1.4. Mr Hazelgrove confirmed that AL/RTW 17 has planning permission, has does AL/CRS1 and AL/BM1. AL/CRS 2 is Corn Hall and is of course allocated. AL/HA 4 was refused against Officer's recommendation and is on appeal.

⁷¹³ CD9.3 see in particular para. 19 of the Secretary of State's letter and para. 15.52 of the Inspector's Report (noting Mr Slatford's erratum where in Mr Slatford PoE (CD23.1.5) para. 6.46 he mistakenly refers to para. 10.62). The decision later states at para. 19: "He also agrees with the Inspector that the proposal could be described as plan-led development rather than one which would undermine the plan-making process. Since the proposal is in keeping with the emerging JCS, he agrees that the proposal should not be regarded as premature within the terms of Framework paragraph 216 (IR15.52)." Mr Byass, in XX of Mr Slatford (Day 16 PM 1 and 2) sought to distinguish that decision based on the wording that comes before and after the quoted paragraph, dealing with the support of the planning authorities and study over the past decade. However, neither of those, nor the references set out therein to the Inspector's decision, actually concern prematurity. Accordingly, they do not undermine the point we make.

⁷¹⁴ See Mr Slatford PoE (CD23.1.5) para. 11.32 and Hazelgrove XX, Day 15 PM 2.

154. The only professional planning witness called by any of the Rule 6 parties is Ms Kent. She, and she alone, seeks to argue that the Development is not in compliance with the Development Plan as a whole⁷¹⁵.

155. Ms Kent in her PoE sets out no less than 28 Development Plan policies that are agreed to be relevant to this Development⁷¹⁶. She only alleges breaches of 6: Policies CP1, CP4, CP12 and CP14 of the Core Strategy, AL/STR/1 of the Site Allocations Local Plan and EN25 of the saved 2006 Local Plan⁷¹⁷. It is thus agreed by all that the Development is compliant with the remaining 22 relevant policies⁷¹⁸. Of the six policies alleged to be breached by Ms Kent:

- (i) one of the policies alleged to be breached is from the saved 2006 Local Plan. That is to say a plan adopted 15 years ago. The evidence base is older still;
- (ii) Four of the six policies alleged to be breached are from the Core Strategy. This was adopted 11 years ago and covered a period that started in 2006.

These are thus very old Plans, that pre-date even the NPPF (2012). The weight to be given to such policies is dependent on their consistency with the NPPF⁷¹⁹. The housing need evidence on which these Plans were based is completely out of date⁷²⁰.

156. Moreover, because it is the agreed position between all the parties is that there is no 5YLS in accordance with the relevant footnote to para 11 of the NPPF, the policies which are most important for determining the application are deemed to be out-of-date so as to engage the presumption in favour of sustainable development.

⁷¹⁵ See Ms Kent PoE (CD23.5.2) para. 3.18.

⁷¹⁶ See Ms Kent PoE (CD23.5.2) para. 2.4.

⁷¹⁷ See Ms Kent PoE (CD23.5.2) paras. 1.10 and 3.18.

⁷¹⁸ The housing requirement for the 2006 Plan is derived from the long ago revoked South East Regional Strategy: see XX of Kent by EL, Day 14 AM 2.

⁷¹⁹ See para. 219 of the NPPF.

⁷²⁰ The footnote makes clear that policies deemed out of date “includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

157. While on the subject of para 11 of the NPPF. In this case there is no question but that the presumption is engaged subject to para 11(d)(i) and (ii). In relation to (ii) the Applicant's position is that the benefits clearly outweigh any harm⁷²¹. In relation to (i) this provides, as you know, that "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed". The relevant footnote further explains that this applies to "policies referred to are those in this Framework (rather than those in development plans) relating to: ... an Area of Outstanding Natural Beauty, ... designated heritage assets ...". The effect of this is that if it is concluded that the Development complies with para. 177 of the NPPF on AONB and para. 202 of the NPPF (which it does, see above) then there is not a clear reason for refusing planning permission and the presumption continues to apply⁷²².

158. With these points in mind we turn to look at the six Development Plan policies that it is alleged by NE are breached.

(i) CP1 – Delivery of Development

159. This policy is alleged to be breached by Ms Kent on the basis that the Site lies outside the LBD⁷²³. In relation to this the following points are made:

- (i) Policy CP1 is a policy concerned with how allocations will be made, it is not a development management policy at all and so it is difficult to see how it can be breached. The relevant development management policy related to LBDs is LBD1 which Ms Kent cites in her PoE but somewhat oddly does not allege any breach of⁷²⁴, as instead she alleges a breach only of Policy AL/STR1, which extends the LBD of Cranbrook to include BKF (see below);

⁷²¹ Mr Slatford PoE (CD23.1.5) para. 11.8.

⁷²² Mr Slatford PoE (CD23.1.5) paras. 11.5 – 11.7, and agreed with by Kent in XX by Mr Maurici (Day 14 AM 1). See also *Monkhill* (CD20.8).

⁷²³ See Ms Kent PoE (CD23.5.2) para. 1.10 and her answers in XX by Mr Maurici (Day 14 AM 1).

⁷²⁴ See Ms Kent PoE (CD23.5.2) paras. 2.4 and 3.1 and her answers in XX by Mr Maurici (Day 14 AM 1).

- (ii) If one is going to consider CP1 on its own terms then Policy CP1(1) refers to the possibility of allocation of greenfield sites adjacent to the LBD of small rural towns. In this regard and (i) Cranbrook is defined as such a town⁷²⁵, and (ii) the Site is adjacent to the LBD, as altered by the 2016 Site Allocations Local Plan, and so there is compliance with this part of the policy;
- (iii) Moreover, CP1(4) explicitly contemplates sites coming forward that are not allocated⁷²⁶.

160. Even if, which is refuted, there is a breach of Policy CP1 the question arises as to what weight should be given to any such breach. Somewhat extraordinarily Ms Kent's PoE fails to address the weight to be given to *any* of the policies she alleges are breached. Policy CP1 was considered in the recent Gate Farm appeal decision and the Inspector found that this policy was out-of-date in terms of housing need and the expectations of the NPPF and could attract only "limited weight"⁷²⁷. Mr Hazelgrove's assessment for the local planning authority, whose policy this is, is the same⁷²⁸. The suggestion by Ms Kent that this policy carries substantial weight⁷²⁹ is thus wholly unjustifiable, and she could offer no good reason for not having referred to the Inspector's view in the Gate Farm appeal decision, let alone for disagreeing with it⁷³⁰.

(ii) CP4 - Environment

161. The allegation of breach of policy here turns on the alleged landscape impacts⁷³¹. Clearly, if Mr Cook's evidence is accepted there is no breach of this policy. And if his evidence is not accepted in full then the extent of any breach of this policy will turn on any precise findings made about residual landscape harm arising from the Development. It is important to note though that TWBC, whose

⁷²⁵ See CD11.4, p. 16 .

⁷²⁶ Ibid, and see Ms Kent's answers in XX by Mr Maurici (Day 14 AM 1) accepting this.

⁷²⁷ See Mr Hazelgrove PoE (CD23.2.1) at para. 8.72, quoting from paras. 141 and 142 of the decision.

⁷²⁸ See paras. 8.114 and 8.115 and the table.

⁷²⁹ Ms Kent PoE (CD23.5.2) para. 5.2.

⁷³⁰ See Ms Kent's answers in XX by Mr Maurici (Day 14 AM 1).

⁷³¹ See Ms Kent PoE (CD23.5.2) paras. 1.11 and 3.5, and her answers in XX by Mr Maurici Day 14 AM 1.

policy this is, say through Mr Hazelgrove, that “CP4 (1)’s requirement to ‘conserve and enhance’ rural landscapes including the AONB is breached because of the significant LEMP-related enhancements within the scheme” and that “[t]he policy does not preclude development that would cause harm – after all, it is part of a policy document that seeks to deliver housing and other development on AONB sites (such as the adjacent Brick Kiln Farm)”⁷³². This view is strengthened by the supporting text to the policy⁷³³ which says in terms “[t]his Policy seeks to ensure that the delivery of new development (such as for housing, retail and employment) is balanced against the need to conserve and enhance the character and distinctiveness of the Borough's natural and built environment”.

(iii) CP12 – Development in Cranbrook

162. The allegation of breach of this policy is predicated on two things: (i) the Site being outside the LBD; and (ii) alleged landscape impacts⁷³⁴. The case Ms Kent made for breach was that this policy “clarifies that delivery of housing should be in line with the strategy set in CP1”⁷³⁵. The weight to be given to any breach of Policy CP1 is considered above, it attracts only limited weight, and so it must be concluded, does this associated policy. In any event TWBC say through Mr Hazelgrove⁷³⁶ that “CP12 (1) requires that ‘particular regard to preserving and enhancing the character of the Conservation Area and for the setting of the town within the High Weald Area of Outstanding Natural Beauty’” and says that “[s]uch regard has been shown as these matters have been considered at length. This criterion does not preclude harm”. He then goes on to say that “Mr Duckett

⁷³² See Mr Hazelgrove PoE (CD23.2.1) at para. 8.30, where he also says “Purely because the Turnden site is unallocated does not mean that it fails CP4(1) as the scope of the policy is not restricted to inside-LBD sites. Therefore elements of the proposal that relate to the LEMP works would ‘conserve and enhance’ the parts of the site which are not being built on – not just in a tokenistic way but in a comprehensive, long-term manner. CP4 (2) is met as the applicant and TWBC have demonstrably utilised the Landscape Character Assessment in coming to their respective judgements on the scheme”. He defended this view in XX, see Day 15 PM.

⁷³³ CD11.4, paras. 5.85 – 5.86.

⁷³⁴ See Ms Kent PoE (CD23.5.2) paras. 1.10 and 3.6, and her answers in XX Day 14 AM 2.

⁷³⁵ See Ms Kent PoE (CD23.5.2) para. 3.56, and her answers in XX by Mr Maurici Day 14 AM 2.

⁷³⁶ See Mr Hazelgrove PoE (CD23.2.1) para. 8.31, and Ms Kent’s answers in XX by Mr Maurici Day 14 AM 2.

concludes with regard to CP12 ... that the setting to the town would include the wider land holding for which there are identified benefits, both in terms of landscape and ecological enhancement. An overarching benefit would be the long-term management of the wider land holding and the robust and permanent rural setting to the settlement edge that the wider land holding would provide". The Applicant agrees entirely.

163. There are some other pertinent points in relation to this policy namely that:

- (i) The opening words of the policy state that "Development at Cranbrook during the Plan period will support and strengthen its role as a small rural town ...". The Applicant's case is that the Development will have this effect, in terms of both the provision of housing and also benefit to the local economy: see above;
- (ii) The weight to be given to this policy is in any event limited as it is out of date in relation to housing⁷³⁷ and also because of its links to CP1 which is also out of date (see above).

(iv) CP14 - Development in the villages and rural areas

164. The allegation of breach of this policy made by Ms Kent is driven by alleged landscape impacts⁷³⁸ and on the basis that the Site is in a rural area⁷³⁹. The following points arise:

- (i) Ms Kent alleges breach of both Policies CP12 and CP14 but both policies cannot be applicable as one deals with development in Cranbrook and the other with development in rural areas⁷⁴⁰. One of other of these policies applies, but both surely cannot;
- (ii) In so far as CP14 is the applicable policy it provides at CP14(1) that "New development will generally be restricted to sites within the Limits of Built

⁷³⁷ See Mr Slatford PoE (CD23.1.5) para. 11.13.

⁷³⁸ Ms Kent PoE (CD23.5.2) paras. 1.10 and 3.7, and her answers in XX by Mr Maurici Day 14 AM 2.

⁷³⁹ Everyone agrees Cranbrook is not a village for these purposes.

⁷⁴⁰ Leaving aside villages.

Development of the villages in accordance with Core Policy CP1". The language is clear that this is only "generally" the case not that it must always be so. The policy builds in flexibility;

- (iii) CP14(6) provides that this is a policy that seeks to protect the countryside for its own sake; and such a policy is clearly not consistent with the NPPF: see below;
- (iv) The supporting text at para. 5.276 emphasises that the overall thrust of policy is "to provide flexibility to enable development to meet the individual needs and support the individual identities of the small rural towns areas". The Development the subject of this inquiry is directed at meeting the needs of Cranbrook;
- (v) In terms of weight the policy was given "very limited weight" by the Inspector in the Gate Farm appeal decision⁷⁴¹. This is because: (i) it is out of date in terms of housing need; and (ii) because it seeks to protect the countryside for its own sake. This is an objective which is out of line with the NPPF. Moreover, it is also explicitly linked to CP1 which is itself out of date: see above. Mr Hazelgrove's assessment, on behalf of TWBC, is similarly that the policy can attract only very limited weight⁷⁴².

(v) AL/STR/1 - Limits to Built Development

165. The allegation of breach here is predicated on the Site being outside the LBD⁷⁴³. The policy can attract only limited weight given that it is out of date in terms of housing supply, which view is supported by TWBC⁷⁴⁴. This policy updates LBD1 and that is a policy (see above) the Gate Farm appeal decision concluded could carry only "very little weight".

(vi) EN25

166. The alleged breach is driven by landscape issues⁷⁴⁵. Mr Slatford's view is that this policy is complied with. On its own terms it does not preclude development

⁷⁴¹ Mr Hazelgrove PoE (CD23.2.1) para. 8.72, quoting paras. 139 and 140.

⁷⁴² Mr Hazelgrove PoE (CD23.2.1) para. 8.114 in the table.

⁷⁴³ Ms Kent PoE (CD23.5.2) paras. 3.14 and 5.2.

⁷⁴⁴ Mr Hazelgrove PoE (CD23.2.1) paras. 8.75 and 8.76.

⁷⁴⁵ Ms Kent PoE (CD23.5.2) para. 3.15.

beyond the LBD and is in essence a general policy concerned with landscape character and setting.⁷⁴⁶

Overall

167. Having regard to the Development Plan as a whole the view of Mr Slatford and Mr Hazelgrove that there is compliance overall is compelling.

Emerging Local Plan

168. No party seriously disputes that the Development is in accordance with the allocation in the emerging Local Plan,⁷⁴⁷ and that this is a material consideration weighing in favour of the grant of permission. In light of the fact that there remain objections outstanding, which will have to be considered by an inspector, Mr Slatford and Ms Kent agree both (i) that it can be accorded more weight, now that it has been submitted, than it could receive when they wrote their proofs of evidence, but (ii) the weight that can be given to it remains limited.⁷⁴⁸ Mr Hazelgrove suggests it should attract moderate weight.⁷⁴⁹ It is a matter for you and the Secretary of State.

Draft NP

169. This is at an early stage, and there are currently major objections outstanding from parties including both TWBC and Applicant. TWBC,⁷⁵⁰ Applicant and NE⁷⁵¹ suggest the Reg. 14 version attracts limited weight. The Reg 16 version at ID48 is of course a working draft which has no status at all – one we understand TWBC has submitted over 213 comments on.⁷⁵² As much has been made by CPRE

⁷⁴⁶ Slatford PoE (CD23.1.5) paras. 11.13 -111.17

⁷⁴⁷ Ms Kent in XX by Mr Maurici Day 14 AM 2 expressly said NE were not challenging this. Mr Hazelgrove explained that the only policies with which the Development does not comply concern developer contributions, but that is because they are not being sought, and correct infelicitous drafting in the OR (CD7.1) para. 10.18 which suggested the proposal did not comply, when he was in fact referring to the original application prior to design changes and the inclusion of the LEMP: EIC Day 15 AM 2.

⁷⁴⁸ Mr Slatford XX by AB, Day 16 PM 1; Ms Kent XX by JM, Day 14 AM 2.

⁷⁴⁹ EIC Day 15 AM 2.

⁷⁵⁰ Hazelgrove EIC Day 15 AM 2.

⁷⁵¹ See e.g. Ms Kent PoE (CD23.5.2) para. 4.107-4.108 and confirmed in XX by Mr Maurici Day 14 AM 2.

⁷⁵² NW XX by Ms Lambert Day 15 AM 1.

regarding the extent to which “the community” supports some of the policies contained therein, we also note that 2.8% of those in the neighbourhood commented on the draft NP.⁷⁵³ Although therefore the Development would not accord with the draft NP, as a material consideration that can only attract very limited weight.

Benefits

170. And so we come to the many, many benefits of this development. A full list is set out in paras. 4.8 and 14.7 of Mr Slatford’s PoE. We do not recite them all here. In EIC he gave you a potted summary: provision of housing; s. 106 contributions; affordable housing above the policy requirements; additional footpaths; new public amenity space above and beyond policy requirements; the reinstatement of lost hedgerow and field boundaries; the creation of new woodland and enhancement of existing woodland; a significant BNG; economic benefits and the incorporation of a variety of energy saving measures.⁷⁵⁴ These are significant, and many are agreed with TWBC⁷⁵⁵ and NE.⁷⁵⁶

Other Matters

171. Finally we wish to raise one small point. One has heard much from Rule 6 parties purporting to represent the community how the community is opposed to this application and some of its effects. However, this application has only received 75 letters of objection, and has received some 40 odd letters of support⁷⁵⁷.

⁷⁵³ As confirmed by Councillor Warne in XX by Mr Maurici Day 15 AM 2.

⁷⁵⁴ Slatford EIC Day 16 AM 2.

⁷⁵⁵ CD9.01 para. 8.1. You will also recall Mr Hazelgrove’s list in EIC (Day 15 AM 2) was remarkably similar to this, also including provision for fully wheelchair accessible homes where there was no adopted policy requirement.

⁷⁵⁶ CD9.2 Section 8. Mr Slatford, having looked in detail at this, suggests NE agrees to seven of the listed benefits, excluding only financial contributions (which is not their domain), BNG (on which you have heard the evidence), effects on the local economy (again an area outside their competence) and energy saving measures. Mr Slatford EIC Day 16 AM 2.

⁷⁵⁷ Councillor Warne sought to cast doubt on the reliability of thee because: (i) they are in standard form; and (ii) some are from residents of the Borough who live outside Cranbrook. On (i) fact that persons sign up to a standard form letter does not mean it has no weight and that is true for objectors and supporters. On (ii) some of the letters of support are from Cranbrook residents. While some are from persons outside Cranbrook that matters not. There is a demand for housing in Cranbrook that cannot be currently met. So it is not surprising that some supporters live outside the town.

Overall Conclusion and the Planning Balance

172. Overall sir, this is sustainable development in an accessible location in close proximity to a settlement that has a range of facilities and services.

173. The Development is in accordance with relevant national policy. Clearly, the Site is in the AONB. However Mr Slatford analyses the matter as follows⁷⁵⁸ and we commend that to you:

- (i) There is no material harm to the AONB. It will in fact be preserved and enhanced in this area;
- (ii) There is an agreed need for development, a local need for new homes and particularly affordable homes. The development will deliver 165 high quality homes, including 66 affordable homes (a 40% provision in excess of policy requirements) and commits to providing 4 purpose built wheelchair accessible affordable homes – again a provision not required by policy. This is of significant public benefit;
- (iii) There are no proposed ways to meet this need through alternative sites. 70% of the Borough is within the AONB, so sustainable options for meeting the agreed housing need, both locally and Borough-wide, are limited. Adjacent Boroughs are struggling to meet their own need;
- (iv) The Site is therefore allocated in the emerging Local Plan – a matter to be considered albeit of limited (but increasing) weight. There was also extensive technical work undertaken coming to that conclusion and which can be relied on for these purposes;
- (v) There are numerous other public benefits to consider: the BNG, landscape enhancements, and recreational benefits are truly, truly exceptional, and are supported by other benefits (such as highway improvements, footpath and cycle connections, and economic benefits) that weigh in the balance. No

⁷⁵⁸ EIC Day 16 AM 2.

other site has been suggested that could or would deliver extensive public benefits.

Therefore, he concludes there are exceptional circumstances in this case.

174. That is the case quite absent the fact that TWBC does not have a 5YHLS. However, of course, it doesn't. The tilted balance therefore applies. Bearing in mind the leading experts have considered the alleged other harms on matters such as heritage, transport and air quality and found no adverse impacts arise, there are no further adverse impacts which significantly and demonstrably outweigh those benefits. The Development is therefore in accordance with relevant National Policy.

175. It is also, for the reasons outlined, in accordance with the Local Plan.

176. In any case, to the extent you find that there are adverse impacts, Mr Slatford considers these do not significantly and demonstrably outweigh the benefits. Therefore, he concludes the scales are tipped in favour of granting this permission. TWBC, too, agree that permission for this development should be granted.

177. We respectfully ask that you recommend to the Secretary of State permission for this development be granted; and respectfully request he grants permission.

JAMES MAURICI Q.C.
NICK GRANT
05 November 2021

LANDMARK CHAMBERS
180 FLEET STREET
LONDON
EC4A 2HG

Appendix 8 **Extract of Cranbrook and Sissinghurst Draft Neighbourhood Plan**

Local Housing Needs

- 7.4 A housing assessment need was carried out by AECOM in 2017 with the recommendation that the housing need for the Parish in the period 2017-2033 is at least 610 net additional dwellings².

How many houses do we need to deliver?

- 7.5 The draft Tunbridge Wells Borough new Local Plan underwent a public consultation in the autumn of 2019. In the plan a total of 818-918 new houses over 14 sites are allocated for Cranbrook and Sissinghurst parish. Once adopted, the Local Plan policies and housing allocations will supersede those in the current Tunbridge Wells Borough Local Plan (adopted 2006)³ the Core Strategy (adopted 2010)⁴ and the Site Allocations Local Plan (adopted 2016)⁵.

² Housing assessment need was carried out by AECOM in 2017

³ Tunbridge Wells Borough Council (2006): 'Tunbridge Wells Borough Local Plan' [online] available at: <<http://www.tunbridgewells.gov.uk/residents/planning/planning-policy/local-plan/local-plan-chapters>> [accessed 02/04/19]

⁴ Tunbridge Wells Borough Council (2010): 'Core Strategy Development Plan Document' [online] available at: <http://www.tunbridgewells.gov.uk/_data/assets/pdf_file/0009/138636/Core-Strategy-adopted-June-2010.compressed.pdf> [accessed 02/04/19]

⁵ Tunbridge Wells Borough Council (2016): 'Site Allocations Local Plan' [online] available at: <<http://www.tunbridgewells.gov.uk/residents/planning/planning-policy/development-plan-documents/site-allocations>> [accessed 02/04/19]

Draft Policy HO6.1

Affordable Homes in Sustainable Locations

- a) **Planning applications for the development of affordable sustainable housing schemes, which can demonstrate that they are of a high design standard in keeping with town and/or landscape settings, will be supported.**
- b) **Affordable housing should be made subject to a local connection test.**

Policy Supporting Text

- 7.6 In the Parish there are some 3,000 households⁶ of which 65% are owned, 20% are social rented and 11% private rented. The housing stock comprises 33% detached, 35% semi-detached, 21% terraced and 12% flats/maisonettes/apartments. The average cost⁷ of a detached house is £816,000, semi-detached, £435,000 and terraced, £308,000. The average house price in 2017 was £534,000, whereas the average earnings for workers in the Parish was £28.2k per annum (a ratio of 19:1 compared to the national figure of 12:1) making the Parish one of the most unaffordable areas in the country for local people.
- 7.7 An independent Housing Needs Assessment by AECOM concluded that there is a need for an additional 610 homes by 2033 and recommended that 50% of which should be 1 and 2-bedroom homes as the demand for 4-bedroom houses and larger is already well catered for in the parish, whereas there is a high demand for affordable homes. Thus, the proportion sought by the plan is for approximately 300 affordable homes of mostly 1 and 2-bedroom and some 3-bedroom homes.
- 7.8 A similar conclusion was reached from the NDP Business & Employment questionnaire⁸ that surveyed local businesses. 65% of enterprises surveyed said their staff needed affordable housing. A need for a minimum of 300 affordable homes for local businesses was identified. 82% of employees travel into the parish to work because they cannot afford to live locally, some from as far away as Gillingham and Bexhill.
- 7.9 Visioning events were held in 2017 to explore the main challenges and opportunities within the parish. The results of these events provided a key ingredient to the emerging CSNP. From the comments received from this and other public exhibitions there was a clear demand for a range of local housing types and tenures to meet the needs of the population from first home to downsizing and for affordable homes for those who work in the parish.

⁶ Extrapolated from 2011 census data

⁷ Source: Right Move, August 2017

⁸ See also Business & Employment chapter

Appendix 9 **AECOM Report**



Cranbrook and Sissinghurst Neighbourhood Plan

Site Assessment

March 2018
Final Report

This page is intentionally blank.

Quality information

Project Role	Name	Position	Actions Summary	Signature	Date
Project Manager	Jesse Honey	Associate Planner	Undertook site assessment and updated draft report	Jesse Honey	21/02/18
QA	Una McGaughrin	Associate Planner	QA of final draft for comment	Una McGaughrin	19/12/17
Qualifying Body		Cranbrook and Sissinghurst Parish Council	Co-ordinated group inputs and comments	Nancy Warne	16/02/18
Project Coordinator	Jessica Boekhoff	Consultant	Final proofread	JB	23/02/2018

Disclaimer

This document forms an evidence base report, rather than neighbourhood plan policy. It is a snapshot in time and thus over time it will gradually become superseded by more recent data. The Parish Council is not bound to accept all or any of its conclusions. If landowners or any other party believe they have evidence that any of the data presented by this report is incorrect or has become outdated, such evidence can be presented to the Parish Council at the consultation stage; if it conflicts with the findings of this report it is then for the Parish Council to decide whether to base policy on the findings of this report or on alternative evidence, and then defend that policy at examination.

Prepared for:

Cranbrook and Sissinghurst Parish Council

Prepared by:

AECOM
Aldgate Tower
2 Leman Street, London
E1 8FA, UK
aecom.com

AECOM Infrastructure & Environment UK Limited ("AECOM") has prepared this Report for the sole use of **Cranbrook and Sissinghurst Parish Council** ("Client") in accordance with the Agreement under which our services were performed. No other warranty, expressed or implied, is made as to the professional advice included in this Report or any other services provided by AECOM.

Where the conclusions and recommendations contained in this Report are based upon information provided by others it is upon the assumption that all relevant information has been provided by those parties from whom it has been requested and that such information is accurate. Information obtained by AECOM has not been independently verified by AECOM, unless otherwise stated in the Report.

The methodology adopted and the sources of information used by AECOM in providing its services are outlined in this Report. The work described in this Report was undertaken in the period October 2017 to March 2018 and is based on the conditions encountered and the information available during the said period of time. The scope of this Report and the services are accordingly factually limited by these circumstances.

Where assessments of works or costs identified in this Report are made, such assessments are based upon the information available at the time and where appropriate are subject to further investigations or information which may become available.

AECOM disclaim any undertaking or obligation to advise any person of any change in any matter affecting the Report, which may come or be brought to AECOM's attention after the date of the Report.

Certain statements made in the Report that are not historical facts may constitute estimates, projections or other forward-looking statements and even though they are based on reasonable assumptions as of the date of the Report, such forward-looking statements by their nature involve risks and uncertainties that could cause actual results to differ materially from the results predicted. AECOM specifically does not guarantee or warrant any estimate or projections contained in this Report.

Where field investigations are carried out, these have been restricted to a level of detail required to meet the stated objectives of the services. The results of any measurements taken may vary spatially or with time and further confirmatory measurements should be made after any significant delay in issuing this Report.

Copyright

© This Report is the copyright of AECOM Infrastructure & Environment UK Limited. Any unauthorised reproduction or usage by any person other than the addressee is strictly prohibited.

Table of Contents

Executive Summary	6
1. Introduction	18
1.1 Background.....	18
2. Policy and Evidence Review.....	19
2.1 National Policy (National Planning Policy Framework and Planning Practice Guidance)	19
2.2 Tunbridge Wells Core Strategy (2010)	19
2.3 Tunbridge Wells Site Allocations Local Plan (2016)	21
2.4 Emerging Core Strategy Review (Issues and Options, 2017).....	25
2.5 Tunbridge Wells Strategic Housing and Economic Land Availability Assessment process	25
2.6 Initial appraisal of site suitability	31
3. Appraisal of remaining sites.....	40
3.1 Introduction	40
3.2 Task 1: Defining the criteria against which to assess all sites	40
3.3 Task 2: Review of sites already assessed by TWBC	41
3.4 Task 3: Assessment of ‘standalone’ sites	43
3.5 Task 4: Site visit	43
3.6 Task 5: Completion of assessment.....	43
4. Summary of appraisal results	44
4.1.1 Viability	44
4.1.2 Next steps.....	53
Appendix A : Completion of TWBC Interim SHELAA assessment.....	54
Appendix B : Completed site appraisal pro-formas	83

Abbreviations used in the report

Abbreviation

AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
CSPC	Cranbrook and Sissinghurst Parish Council
DCLG	Department of Communities and Local Government
DEFRA	Department of the Environment, Food and Rural Affairs
DPD	Development Plan Document
Dph	Dwellings per Hectare
Ha	Hectare
LBD	Limits to Built Development
LPA	Local Planning Authority
KCC	Kent County Council
NPPF	National Planning Policy Framework
PDL	Previously Developed Land
PPG	Planning Practice Guidance (DCLG)
SHELAA	Strategic Housing and Economic Land Availability Assessment
TPO	Tree Preservation Order
TWBC	Tunbridge Wells Borough Council
TWLP 2006	Tunbridge Wells Local Plan (adopted 2006)

Executive Summary

This report is an independent site appraisal for Cranbrook and Sissinghurst Neighbourhood Plan on behalf of Cranbrook and Sissinghurst Parish Council (CSPC) carried out by AECOM planning consultants.

The Neighbourhood Plan, which will cover Cranbrook and Sissinghurst Parish in Tunbridge Wells Borough, Kent, is being prepared in the context of the emerging Tunbridge Wells Local Plan¹. The Parish Council intends the Neighbourhood Plan, when adopted, to include allocations for housing. In this context, the Parish Council has asked AECOM to undertake an independent and objective assessment of the sites that are available for housing for inclusion in the Neighbourhood Plan.

The purpose of the site appraisal is therefore to produce a clear assessment as to whether the identified sites are deliverable, i.e. that they are suitable and available for housing development. The site appraisal is intended to guide decision making and provide evidence for the eventual site selection to help ensure that the Neighbourhood Plan can meet the Basic Conditions² as determined by the Independent Examiner, as well as any potential legal challenges by developers and other interested parties.

TWBC have stated that they are comfortable for sites at Cranbrook and Sissinghurst to be allocated by CSPC within the neighbourhood plan, working jointly and iteratively with the Borough Council on the basis of emerging local policy and evidence as the Local Plan develops. To reflect this approach, AECOM has engaged extensively with TWBC during the preparation of this report to maximise the value that both organisations can add to the planning of the parish and to minimise the potential for duplication of work.

For the purposes of this Site Assessment, some of the evidence base studies that have been developed to inform the emerging Core Strategy Review have great relevance- in particular, the Strategic Housing and Economic Land Availability Assessment (SHELAA) process.

Within Cranbrook and Sissinghurst Parish, a total of forty sites were submitted to the SHELAA as part of both Calls for Sites. Of these forty, twenty-six appear in the interim SHELAA and fourteen do not.

The table below lists all forty sites submitted within the Parish and which therefore form the subject of this Site Assessment Report.

Sites within Cranbrook and Sissinghurst Parish submitted through the TWBC SHELAA Call for Sites 2016 and 2017

Call for Sites ID ³	Site name/address	Site assessed in interim SHELAA?	Site area (hectares)
25	Land to the west of Frythe Way and east of Freight Lane, Cranbrook	Yes	2.83
29	Land at Boycourt Orchards, A229 Angley Road, Wisley Pound, Cranbrook TN17 2HR	Yes	1.59
54	Land on the east side of Mill Lane, Sissinghurst, TN17 2HX	Yes	0.86
59	Gate Farm, adjacent to Hartley Road and Glassenbury Road, Hartley, Cranbrook, TN17 2ST	Yes	0.67
68	Land at junction of Common Road and Frittenden Road, Sissinghurst	Yes	1.61
70	Land south west of Campion Crescent, Hartley, Cranbrook	Yes	0.23
71	Land adjoining Cranbrook Primary School, Quaker Lane, Cranbrook, TN17 3JZ (B)	Yes	2.05

¹ Available online at http://consult.tunbridgewells.gov.uk/portal/planning_information/spp/local_plan/io/lp_io_1

² Available at <https://www.gov.uk/guidance/neighbourhood-planning--2>

³ This ID number was given to each site by TWBC and will form the site identifier for each site for the remainder of this study.

Call for Sites ID ³	Site name/address	Site assessed in interim SHELAA?	Site area (hectares)
92	Land south of Grove Cottage, Tilsden Lane, Cranbrook TN17 3PJ	Yes	1.04
110	Land to the west of Co-operative, High Street, Cranbrook TN17 3DQ	Yes	0.46
119	Land adjacent to Angley Road, Cranbrook	Yes	1.31
120	Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road, Sissinghurst	Yes	2.20
122	Gate Farmland at Charity Farm, Swattenden Lane, Cranbrook TN17 3PS	Yes	2.61
125	Land adjoining Wilsley Farm, adjacent to Angley Road and Whitewell Lane, Cranbrook, TN17 2LE	Yes	0.99
128	Scott Field, Main Campus, Cranbrook School, adjacent to Bakers Cross, Cranbrook	Yes	4.46
129	Big Side Playing Field adjacent to Quaker Lane and Waterloo Road, Cranbrook	Yes	4.64
130	Cranbrook School Main Campus, Waterloo Road, Cranbrook TN17 3JD	Yes	16.07
131	Jaegers Field, Angley Road, Cranbrook	Yes	2.75
132	Rammell Field, Bakers Cross, Cranbrook	Yes	1.69
133	Land adjoining Cranbrook Primary School, Quaker Lane Cranbrook (A)	Yes	4.21
155	Park Farm (formerly Breach Farm), Goudhurst Road, Cranbrook TN17 2LJ	Yes	1.15
157	The Tanyard Woodyard, The Tanyard, Cranbrook TN17 3HU	Yes	0.22
159	Land south of The Street, Sissinghurst	Yes	0.55
188	Land adjacent to Hartley Dyke, Cranbrook	Yes	7.58
269	Museum and land, Carriers Road, Cranbrook	Yes	0.16
271	Land at Crane Lane including WC block and Wilkes Field, Cranbrook	Yes	0.40
292	Land at South of High Street, Cranbrook	No	4.96
296	Oak Tree Farm, The Common, Wilsley Pound, Cranbrook	No	0.67
301	The Moss Field, Sissinghurst Road, Sissinghurst	No	2.73
323	Land adjacent to Hartley Gate Farmhouse, Cranbrook	No	0.17
325 ⁴	Land adjacent to Colliers Green Primary School, Colliers Green	Yes	48.05
345	Land adjacent to Glassenbury Road, Glassenbury Road, Cranbrook	No	1.37
365	Land at the Old Railway Line, Bishops Lane, Hartley	No	0.70
385	The Providence Chapel, Stone Street, Cranbrook	No	0.03
388	Glen Cove, Cranbrook Common, Cranbrook	No	0.81

⁴ This site was renumbered as 160 in the Interim SHELAA document itself, for unknown reasons.

Call for Sites ID ³	Site name/address	Site assessed in interim SHELAA?	Site area (hectares)
396	Land West of Freight Lane, Cranbrook	No	6.71
398	Land at Marden Road, Cranbrook	No	4.41
407	Land at Brooksdan, High Street, Cranbrook	No	0.41
409	The High Weald Academy, Angley Road, Cranbrook	No	1.70
430	Turnden Farm, Hartley Road, Cranbrook	No	27.64
442	Land Adjacent Orchard Cottage, Frittenden Road, Sissinghurst	No	0.42

Source: Tunbridge Wells Call for Sites and SHELAA, 2016-7

In its Planning Practice Guidance (PPG), the government advises that evidence supporting neighbourhood plans should be proportionate.⁵ With this in mind, as well as the need to make efficient use of the resources available to AECOM, it is considered neither practical nor possible to carry out a detailed assessment of all forty sites.

Fortunately, this is not in any case necessary. In fact, only a total of nineteen sites require further consideration: of these nineteen, thirteen need for the partial assessment carried out already by TWBC in the Interim SHELAA to be verified and completed, and six need full assessment by AECOM, having not previously been assessed at all.

For the thirteen sites already partially assessed by TWBC, there is a need to minimise duplication of, and maximise complementarity of, all assessment work. It is considered that the most appropriate role for AECOM on these sites is to verify and comment on TWBC's existing assessment, and then, on the basis of the existing assessment and any AECOM comments or additions, derive a final judgement of technical suitability.

The remaining twenty-one sites in the Table 1 longlist do not require further assessment for the following reasons:

- Seventeen sites lie outside of or not adjacent to the LBDs of Cranbrook and Sissinghurst. This means that local and national planning policy would not support their allocation, no matter what the results of any detailed assessment against other criteria;
- Two of the sites overlap wholly with existing allocations at Cranbrook in the 2016 Site Allocations Local Plan; the sites are therefore already allocated for development and need no further assessment;
- One site overlaps wholly with another site, and can therefore be discounted, as it will be assessed as part of the overlapping site; and finally
- One site both overlaps wholly with another site **and** lies outside of or not adjacent to the LBDs of Cranbrook and Sissinghurst. This means that it can be discounted both because it will be assessed as part of the overlapping site **and** because local and national planning policy would not support its allocation.

The only exceptions to the above criteria are Sites 68 and 442, which neighbour one another and are located north of Sissinghurst. Although they do not directly adjoin the settlement boundary of Sissinghurst, it is clear from Figure 2 that the settlement boundary of the northern edge of Sissinghurst excludes a substantial amount of development. As such, they adjoin Sissinghurst in de facto terms and both TWBC and CSPC have advised that in this case, an exception may be made.

After the completion of the initial desktop site appraisal based on key relevant evidence and policy, a site visit to the Neighbourhood Plan area was undertaken by a member of the AECOM Neighbourhood Planning team. The purpose of the site visit was to evaluate the sites 'on the ground' to test and validate the findings of the desktop assessment. It was also an opportunity to better understand the context and nature of the Neighbourhood Plan area and each individual site. Final conclusions as to the suitability or otherwise of each site were only formulated following and on the basis of the site visit.

⁵ See <https://www.gov.uk/guidance/neighbourhood-planning--2>

Following the site visit, a final judgement was applied to each site, using a traffic-light rating. This was to validate and the findings of the site visit and to enable the performance of each site across the full range of criteria to be consolidated into a single verdict on suitability and availability.

For consistency of assessment, indicative housing capacities for each site considered suitable and available have been calculated based on a density range indicated by the adopted Core Strategy (30-40 dwellings per hectare). Because these capacities are indicative only, they are likely to be refined by future masterplanning work on some or all of the sites considered suitable or suitable with constraints.

Note also that any assessment of this nature can only be a snapshot in time- there is the potential for some sites assessed as not suitable or available for the purposes of this assessment to become suitable or available either within this plan period or into the next, depending on the actions taken by the landowner or developer.

A 'traffic light' rating of all sites was given based on whether the site is an appropriate candidate to be considered for allocation in the Neighbourhood Plan. The criteria are consistent across all sites and consistent with the government's Planning Practice Guidance. The traffic light rating indicates 'green' for sites that show no or minimal constraints and are therefore appropriate as site allocations, 'amber' for sites which are potentially suitable if constraints (ranging from the moderate to the severe) can be resolved and 'red' for sites which are not currently suitable - in other words, where 'show-stopping' constraints are considered to be significant or immovable enough to prevent development.

The judgement on each site is based on whether or not each site is **suitable** and **available**. In terms of the separate criterion of achievability, Section 4.1.1 below provides further detail on the concept of viability.

With more information from landowners/developers (for example, on precise developer intention), it is possible that some currently amber sites could be moved into the green category to give greater certainty on the shortlist of sites.

It is recommended that a 'buffer' of housing supply is provided, which may be one or two sites allocated as contingency housing sites. These could be developed if the allocated sites do not progress as expected.

The table below summarises the results of our assessment of suitability and availability for each of the sites in the parish that were subject to detailed assessment.

The conclusions are based on our professional experience and judgement of the appropriateness of each site, in planning terms, to be taken forward as allocations in the Neighbourhood Plan.

This summary should be read alongside the assessment table for the Interim SHELAA sites in **Appendix A** and the full set of site appraisal pro-formas for the 'standalone' sites in **Appendix B**.

Summary of assessment of all sites in Cranbrook and Sissinghurst

Site ref	Location/description	Site area (ha) ⁶	Current land use	Assessed dwelling yield ⁷	Assessment of suitability for allocation	Summary of assessment rationale	For further details
25	Land to the west of Frythe Way and east of Freight Lane, Cranbrook	2.83	Agriculture	85-113	The site is appropriate for allocation The site has minor constraints (Amber)	No significant constraints to development identified; greatest is that the site would tend to result in car-based development as it would form an extension of an existing long cul-de-sac. The only alternative to this would be the development of a road circuit via site 396 and the 2016 Crane Valley allocation to the High Street but as site 396 is not considered suitable for development, this is not recommended. Site moderately located for services and facilities and impact on Grade II listed Pest House should be minimised.	See pages 57-58
54	Land on the east side of Mill Lane, Sissinghurst, TN17 2HX	0.86	Meadow	n/a	The site is not appropriate for allocation The site has a significant constraint (Red)	The site is zoned as a Grassland of Importance in the Kent County Council list of Priority Habitats. Though not protected statutorily, this is considered a significant constraint to developing the site. It is recommended, in line with NPPF paragraphs 109, 110, 117 and 118, that rather than being developed for housing, the landowner instead implements appropriate ecological or environmental enhancements, potentially as part of a planning agreement on another site. However, if factors such as housing demand weigh in favour of development, there could be, in line with national policy, potential as a last resort for offsetting, i.e. for the site to be developed and the habitat lost to be recreated on an alternative site. No other significant constraints; moderately located for access to community services and facilities.	See pages 59-60

⁶ AECOM measurement

⁷ Where the site was assessed as not suitable for development within this assessment, the dwelling yield is given as 'n/a'. Where the dwelling yield is given as a range, this represents the lower (30 dph) and higher (40 dph) potential densities.

Site ref	Location/description	Site area (ha) ⁶	Current land use	Assessed dwelling yield ⁷	Assessment of suitability for allocation	Summary of assessment rationale	For further details
68	Land at junction of Common Road and Frittenden Road, Sissinghurst	1.61	Agriculture	n/a	The site is not appropriate for allocation The site has a significant constraint (Red)	The site is zoned as a Grassland of Importance in the Kent County Council list of Priority Habitats. Though not protected statutorily, this is considered a significant constraint to developing the site. It is recommended, in line with NPPF paragraphs 109, 110, 117 and 118, that rather than being developed for housing, the landowner instead implements appropriate ecological or environmental enhancements, potentially as part of a planning agreement on another site. However, if factors such as housing demand weigh in favour of development, there could be, in line with national policy, potential as a last resort for offsetting, i.e. for the site to be developed and the habitat lost to be recreated on an alternative site. Moderately located for access to community services and facilities; settings of three listed buildings close to site is a moderate constraint. Although site 68 does not directly adjoin the settlement boundary of Sissinghurst, as previously noted in section 2.6 above both TWBC and CSPC accept that it adjoins the settlement in de facto terms and is therefore suitable for assessment through this exercise.	See pages 61-62
110	Land to the west of Co-operative, High Street, Cranbrook TN17 3DQ	0.46	Urban back land	n/a	The site is not appropriate for allocation The site has significant constraints (Red)	The site has no vehicular access other than a driveway to the car park and it is not possible to determine how the new access needed would be created without the demolition of existing buildings, some of which are in a Conservation Area (it is not suitable for a site's sole access by either car or foot to be through an existing car park). Additionally, the entire site is covered by a group Tree Preservation Order. Other considerations, including Conservation Area/listed buildings, are also constraints, albeit less significant than the lack of access and the group TPO.	See pages 63-64
119	Land adjacent to Angley Road, Cranbrook	1.31	Woodland	n/a	The site is not appropriate for allocation The site has a significant constraint (Red)	The site is wholly within Angley Wood Local Wildlife Site. Though not protected statutorily, this is considered a significant constraint to developing the site. It is recommended, in line with NPPF paragraphs 109, 110, 117 and 118, that rather than being developed for housing, the landowner instead implements appropriate ecological or environmental enhancements, potentially as part of a planning agreement on another site. However, if factors such as housing demand weigh in favour of development, there could be, in line with national policy, potential as a last resort for offsetting, i.e. for the site to be developed and the habitat lost to be recreated on an alternative site. The site's distance from services and facilities is another relatively significant issue, though a relatively less important constraint than the Local Wildlife Site.	See pages 65-66

Site ref	Location/description	Site area (ha) ⁶	Current land use	Assessed dwelling yield ⁷	Assessment of suitability for allocation	Summary of assessment rationale	For further details
129	Big Side Playing Field adjacent to Quaker Lane and Waterloo Road, Cranbrook	4.64	Playing field	n/a	The site is not appropriate for allocation The site has significant constraints (Red)	By far the most significant constraint for this site is the risk of actual or perceived coalescence between Cranbrook and Wilsley Green, which it is considered would be contrary to national planning policy. Other, lesser constraints, though still relatively significant, would be the need for re-provision of playing fields on a suitable site as per NPPF paragraph 74 and the potential impact of development on the setting of heritage assets, most notably the Grade I listed St Dunstan's Church. There is potential for mitigation of the coalescence issue if only the southern quarter of the site were to be developed, though even here, there is a risk of perceived coalescence, impact on the setting of heritage assets, and paragraph 74 would still apply.	See pages 67-68
130	Cranbrook School Main Campus, Waterloo Road, Cranbrook TN17 3JD	16.07	Secondary school buildings and playing fields	Not possible to estimate precisely without an indicative or detailed masterplan; it is also not yet clear if it is housing or other land uses proposed. If housing, the sensitivity and complexity of the site suggests a limit of tens rather than hundreds of units seems appropriate.	The site is appropriate for allocation The site has significant constraints (Amber)	This is a large, complex site with constraints related mainly to heritage assets and town character due to the very large number of listed buildings within and adjacent to the site, including the working Union Smock Mill, which may restrict development in parts of the south of the site for operational as well as heritage reasons. However, this does not preclude limited and sensitive intensification or development in selected locations, guided by an appropriate masterplan responsive to the site's key requirements. Other than heritage and character, the site performs well in terms of brownfield development and access to services and facilities, though any development of playing fields would have to pass the NPPF paragraph 74 test.	See pages 69-71

Site ref	Location/description	Site area (ha) ⁶	Current land use	Assessed dwelling yield ⁷	Assessment of suitability for allocation	Summary of assessment rationale	For further details
131	Jaegers Field, Angley Road, Cranbrook	2.75	Playing field	25-34 (southernmost part of site only)	The southern quarter of the site is suitable for development with significant constraints (Amber); the northern three-quarters of the site is not suitable for development (Red)	The most significant constraint for development of the entire site is the risk of actual or perceived coalescence between Cranbrook and Wilsley Green, which it is considered would be contrary to national planning policy. However, development of the southern quarter of the site only, if sensitively designed to minimise the risk and perception of coalescence, could be suitable. The requirement for re-provision of playing fields on a suitable site as per NPPF paragraph 74 would still apply. The separation between Cranbrook and Wilsley Green at this location is narrow already and potential to mitigate this constraint as part of any development should be explored.	See pages 72-73
132	Rammell Field, Bakers Cross, Cranbrook	1.69	Playing field	n/a	The site is not appropriate for allocation The site has a significant constraint (Red)	Though there are criteria that would support development of the site, including its proximity to services and facilities and accessibility, the single immovable constraint for this site is the contribution it has been assessed as making to the character of the Cranbrook Conservation Area through its use as open space. As this would be irrevocably lost by any form of development, no matter how sympathetic to the surrounding historic environment, the site is unsuitable for allocation as it would fail to protect or enhance the Conservation Area as required by planning law.	See pages 74-75
133	Land adjoining Cranbrook Primary School, Quaker Lane, Cranbrook (A)	4.21	Playing field and agriculture	(southern half of site only)- 50-67 dwellings	The southern half of the site is suitable for development with significant constraints (Amber); the northern half of the site is not suitable for development (Red)	The most significant constraint for this site is the risk of actual or perceived coalescence between Cranbrook and Wilsley Green and its conservation area, which it is considered would be contrary to national planning policy. Additionally, the northern half of the site is designated as Grassland of Importance in the Kent County Council Priority Habitats 2012 dataset. Both of these factors make the northern half of the site unsuitable for development. The southern half of the site could be developed with significant constraints: firstly, the requirement for sensitive design to mitigate any actual or perceived coalescence between the two settlements, including retention of the existing hedge as a defensible boundary; secondly, the need for re-provision of playing fields on a suitable site as per NPPF paragraph 74; and thirdly, though they are not specifically protected by national or local planning policy, the local policy approach to development of allotments is that opportunities should be explored for re-provision of allotments in the locality	See pages 76-78

Site ref	Location/description	Site area (ha) ⁶	Current land use	Assessed dwelling yield ⁷	Assessment of suitability for allocation	Summary of assessment rationale	For further details
157	The Tanyard Woodyard, The Tanyard, Cranbrook TN17 3HU	0.22	Urban back land	7-9 dwellings	The site is appropriate for allocation (Green) The site has minor constraints	It would be relatively easy to provide vehicular access to the site; though it would be at the end of a long cul-de-sac, it benefits from direct pedestrian and cycle connections to services and facilities within the town centre and the small size of the site would reduce traffic impact; there is a fairly steep slope on the site that would need to be mitigated through appropriate housing design and layout, which would also seek to respond to the adjoining conservation area and nearby listed buildings.	See pages 79-82
159	Land south of The Street, Sissinghurst	0.55	Agriculture	16-22 dwellings	The site is suitable for development (Amber) The site has minor constraints	The site performs well on a number of criteria but access issues, which led an existing application to be withdrawn, need to be resolved. Additionally, design and layout, including in terms of visual impact/building heights, need to be sensitive to adjacent conservation area and listed building. Subject to satisfactory resolution of these issues, the site is very-well located in terms of services and facilities, visual and ecological impacts are limited relative to other Sissinghurst sites, and there is potential for development to enhance a community facility (Village Hall/St George's Institute).	See pages 83-84
269	Museum and land, Carriers Road, Cranbrook	0.16	Museum	Would need to be assessed by architect who specialises in historic buildings, but estimated at between 2-4 dwellings as conversion of existing building	The site is appropriate for allocation (Amber) The site has significant constraints	The site is suitable for redevelopment for housing uses subject to significant heritage constraints, which would entail no additional buildings within the existing curtilage and sensitive redevelopment of the existing building without any material changes to its external appearance, in line with the duty to protect and enhance conservation areas. Additionally, NPPF paragraphs 28 and 70 indicate that any redevelopment without re-provision of the museum, which is an important community facility, in a suitable alternative location, would not be permitted	See pages 83-84
385	The Providence Chapel, Stone Street, Cranbrook	0.03	Unused chapel	Would need to be assessed by architect who specialises in historic buildings, but estimated at between 1-2 dwellings as conversion of existing building	The site is appropriate for allocation (Amber) The site has significant constraints	The site is suitable for development subject to sensitive redevelopment of the existing listed building without any material changes to its external appearance, in line with the duty to protect and enhance conservation areas. As the Chapel is disused, there would be no loss of a community facility and the location in terms of access to community services and facilities is outstanding. Minimisation of impact on nearby underground Victorian culverts should be considered in any redevelopment.	See pages 85-89

Site ref	Location/description	Site area (ha) ⁶	Current land use	Assessed dwelling yield ⁷	Assessment of suitability for allocation	Summary of assessment rationale	For further details
396	Land West of Freight Lane, Cranbrook	6.71	Agriculture	n/a	The site is not appropriate for allocation The site has a significant constraint (Red)	The site is not suitable for development on landscape grounds. It is prominent within the high-quality landscape of the rural Crane Valley which forms a green wedge into Cranbrook at this point, adding significantly to local character and forming an important feature of local distinctiveness. The loss of open land in this location could not be mitigated and the site includes ancient woodland. The fact that the landscape and woodland in question is part of an AONB adds to the strong case for not developing the site. The cumulative visual impact of development following allocation of AL/CR4 on the other side of the valley would also be substantial. Added to this, accessibility would be another significant constraint, exacerbated by the fact that mitigation could entail a link across the Crane Valley via AL/CR4 to the High Street, which would have further significant visual impacts on the valley landscape.	See pages 90-94
407	Land at Brooksdan, High Street, Cranbrook	0.41	Back garden of veterinary hospital	5-8 dwellings (developable area reduced due to mature trees in a conservation area, and assumption that existing building will remain in use as a veterinary hospital)	The site is appropriate for allocation (Amber) The site has minor constraints	The site is a large back garden within a conservation area that has no impact on listed buildings but has a number of mature trees; development should seek to ensure no net loss of trees. Other than this consideration, the site has few constraints; it is highly accessible for services and facilities and the visual impact of development would be very limited. Visual inspection reveals an existing derelict property that could have heritage value when restored, and development could have potential for restoration of this property as 1-2 dwellings.	See pages 95-99
409	The High Weald Academy, Angley Road, Cranbrook	1.70	Secondary school	Difficult to ascertain without clearer understanding of developer's intention and/or detailed masterplanning, but were site to be developed entirely for housing and school re-provided elsewhere, then between 46-61 dwellings.	The site is appropriate for allocation (Amber) The site has minor constraints	The site could have potential for housing but without clearer evidence of developer intention and/or a masterplan, it is difficult to comment in detail. If the site were to be developed for uses other than a school, the school would need to be re-provided on a suitable alternative site. Additionally, redevelopment of playing fields would need to pass the NPPF para 74 test. The site is not particularly accessible by foot to community services and facilities in Cranbrook town centre.	See pages 100-104

Site ref	Location/description	Site area (ha) ⁶	Current land use	Assessed dwelling yield ⁷	Assessment of suitability for allocation	Summary of assessment rationale	For further details
430	Turnden Farm, Hartley Road, Cranbrook	27.64	Farm and surrounding agricultural land	Difficult to ascertain without clearer understanding of developer's intention and/or detailed masterplanning. What is clear is that redevelopment of the entire site is not proposed, which would in any case fail the test of suitability. Based on the footprint of existing buildings and the heritage constraints of the listed farmhouse, it is estimated that the indicative range of dwellings the site could accommodate would be around 30-50, probably as residential-led mixed use development.	The site is appropriate for allocation (Amber) The site has significant constraints	Due to the potential risk of perceived or actual coalescence between Cranbrook and Hartley, only a small proportion of the site should be developed; it is understood that this proportion would be in or around the existing footprint of farm buildings in the centre of the site. If this is the case, development would need to be sensitive in terms of respecting the setting of the Grade II listed Turnden Farmhouse. The site is very poorly located in terms of walking distance to services and facilities and will as a result be mainly car-based, but this is to an extent mitigated by the site's assumed limited capacity and the benefits of redeveloping/intensifying existing underused buildings.	See pages 105-111
442	Land Adjacent Orchard Cottage, Frittenden Road, Sissinghurst	0.42	Garden land	n/a	The site is not appropriate for allocation The site has a significant constraint (Red)	The site is considered not suitable for development because it is zoned as a BAP Priority Habitat for its value as a traditional apple orchard, and as a result it is likely to be of high ecological value. Despite the fact that the site performs relatively well on other criteria, such as accessibility to services and facilities, it is not considered that this constraint could be mitigated. Although site 442 does not directly adjoin the settlement boundary of Sissinghurst, as previously noted in section 2.6 above both TWBC and CSPC accept that it adjoins the settlement in de facto terms and is therefore suitable for assessment through this exercise.	See pages 112-116

Site ref	Location/description	Site area (ha) ⁶	Current land use	Assessed dwelling yield ⁷	Assessment of suitability for allocation	Summary of assessment rationale	For further details
TOTAL ESTIMATED CAPACITY				317-420 dwellings ⁸			

⁸ For estimation purposes, both the higher and lower dwelling figures have assumed a capacity of approximately 50 dwellings at Site 130 (Cranbrook School)

1. Introduction

1.1 Background

This report is an independent site appraisal for Cranbrook and Sissinghurst Neighbourhood Plan on behalf of Cranbrook and Sissinghurst Parish Council (CSPC) carried out by AECOM planning consultants. The work to be undertaken was agreed with the Parish Council and the Department for Communities and Local Government (DCLG) in September 2017.

The Neighbourhood Plan, which will cover Cranbrook and Sissinghurst Parish in Tunbridge Wells Borough, Kent, is being prepared in the context of the emerging Tunbridge Wells Local Plan⁹. The Parish Council intends the Neighbourhood Plan, when adopted, to include allocations for housing. In this context, the Parish Council has asked AECOM to undertake an independent and objective assessment of the sites that are available for housing for inclusion in the Neighbourhood Plan.

The purpose of the site appraisal is therefore to produce a clear assessment as to whether the identified sites are deliverable, i.e. that they are suitable and available for housing development. The site appraisal is intended to guide decision making and provide evidence for the eventual site selection to help ensure that the Neighbourhood Plan can meet the Basic Conditions¹⁰ as determined by the Independent Examiner, as well as any potential legal challenges by developers and other interested parties.

TWBC have stated that they are comfortable for sites at Cranbrook and Sissinghurst to be allocated by CSPC within the neighbourhood plan, working jointly and iteratively with the Borough Council on the basis of emerging local policy and evidence as the Local Plan develops. To reflect this approach, AECOM has engaged extensively with TWBC during the preparation of this report to maximise the value that both organisations can add to the planning of the parish and to minimise the potential for duplication of work.

At the time of writing, TWBC and CSPC advise that Cranbrook and Sissinghurst's housing need has not yet been quantified. For this reason, at the time of writing AECOM is progressing a Housing Needs Assessment package for the parish through the Locality programme of supporting communities in neighbourhood planning. Subsequent dialogue with CSPC has indicated that AECOM's Masterplanning and Viability packages may also be helpful in supporting the emerging Neighbourhood Plan.

⁹ Available online at http://consult.tunbridgewells.gov.uk/portal/planning_information/spp/local_plan/io/lp_io_1

¹⁰ Available at <https://www.gov.uk/guidance/neighbourhood-planning--2>

2. Policy and Evidence Review

2.1 National Policy (National Planning Policy Framework¹¹ and Planning Practice Guidance¹²)

The National Planning Policy Framework (NPPF), adopted in 2012, sets out Government planning policy. It is accompanied by the Planning Practice Guidance (PPG), which provides further detail on how the NPPF is to be applied. Both the NPPF and PPG are material considerations in the planning system and case law has determined that both can be considered to carry equal weight.

The key element of national policy as set out in the NPPF and PPG having particular relevance for this site assessment for Cranbrook and Sissinghurst parish (and that is not otherwise covered in the local policy assessed below) is on development within and adjacent to Areas of Outstanding Natural Beauty (AONBs).

The southern half of the parish, including Cranbrook and its surrounding villages, is located within the High Weald AONB, and much (of not all) of the northern half of the parish, including Sissinghurst and surrounding villages, is within the AONB's setting.

Taken together, national policy, as articulated by NPPF paragraph 116 and PPG paragraph: 005 Reference ID: 8-005-20140306, seeks to avoid major development in an AONB except in exceptional circumstances and where it can be demonstrated to be in the public interest.

The PPG specifies further that whether a proposed development in an AONB should be treated as a major development will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. In this case, the relevant decision taker (TWBC, in this case) advises that, at Cranbrook, sites within or adjacent to the settlement's Limit to Built Development (LBD; further details on LBDs below) can be considered suitable in principle in terms of AONB policy (subject to further detailed consideration of impacts on the AONB).

This was also the approach taken by TWBC in the recently adopted Site Allocations Local Plan (further details below), which allocated sites within the AONB at Cranbrook but was nevertheless considered by the Inspector in his Report¹³ to be in conformity with national AONB policy, despite the case made to the contrary by the High Weald AONB.

2.2 Tunbridge Wells Core Strategy (2010)¹⁴

At the time of writing, the Tunbridge Wells Core Strategy, adopted in 2010, sets out the key strategic planning policies across the Borough, albeit that where these policies conflict with the subsequently adopted NPPF, then the NPPF carries greater weight than the Core Strategy.

Policies within the Core Strategy having most relevance to any neighbourhood plan site assessment within the Borough include the following:

Core Policy 1: Delivery of Development- this policy prioritises the allocation and release of previously developed land within the Limits to Built Development (LBD) of settlements. Selected greenfield sites within and/or adjacent to the LBD of settlements in small rural towns will also be allocated and released as appropriate to maintain a sufficient phased supply of deliverable and developable land. Sites adjacent to or outside the LBD of villages will not generally be allocated or released.¹⁵

Exceptionally, allocations may be made or sites be released in locations other than as specified above where an identified need for any of the following types of uses cannot be met on such sites:

¹¹ Available at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

¹² Available at <https://www.gov.uk/government/collections/planning-practice-guidance>

¹³ Available at http://www.tunbridgewells.gov.uk/_data/assets/pdf_file/0017/121454/Inspectors-Final-Report-160608.pdf

¹⁴ Available at http://www.tunbridgewells.gov.uk/_data/assets/pdf_file/0009/138636/Core-Strategy-adopted-June-2010_compressed.pdf

¹⁵ This is an example of a policy that has been subsequently reinforced and amplified by the NPPF at a national level- paragraph 55 states that local planning authorities should avoid new isolated homes in the countryside except in certain specified circumstances. Applied to the Tunbridge Wells context, it seems reasonable to assume that 'new isolated homes in the countryside' means one or more dwellings in locations that are not either within or directly abutting a settlement's LBD.

- affordable housing (for local needs only) at the villages where the need cannot be met on a site within the LBD in accordance with Core Policy 6: Housing Provision;
- employment uses in the rural areas in accordance with Core Policy 14: Development in the Villages and Rural Areas; and
- recreational uses in accordance with Core Policy 8: Retail, Leisure and Community Facilities Provision.

Core Policy 4: Environment- The Borough's urban and rural landscapes, including the designated High Weald Area of Outstanding Natural Beauty, will be conserved and enhanced.

Core Policy 6: Housing Provision- Housing will be developed at a density appropriate to the specific character of the locality. It will contribute towards achieving the overall regional target of 40 dwellings per hectare and will not generally be below 30 dwellings per hectare;

Core Policy 12: Development in Cranbrook- At Cranbrook, approximately 300 net additional dwellings will be delivered on sites to be allocated and released in accordance with Core Policy 1: Delivery of Development;

Core Policy 14: Development in the Villages and Rural Areas- Approximately 360 net additional dwellings will be delivered in the villages and rural areas [which includes Sissinghurst] on sites to be allocated and released in accordance with Core Policy 1: Delivery of Development. New development will generally be restricted to sites within the LBD of the villages in accordance with Core Policy 1: Delivery of Development. Development will be appropriate to the scale and character of the settlement.

2.3 Tunbridge Wells Site Allocations Local Plan (2016)¹⁶

The Site Allocations Local Plan, adopted in 2016, implements the Core Strategy's distribution of housing by allocating development within settlements across the Borough, including in both Cranbrook and Sissinghurst.

Allocations at Cranbrook are set out by the following policies:

- AL/CR 1 (Police Station, Wheatfield Drive);
- AL/CR 2 (Cranbrook Library Site);
- AL/CR 3 (The Vicarage, Waterloo Road);
- AL/CR 4 (Land Adjacent to the Crane Valley);
- AL/CR 5 (Post Office Delivery Depot and Land at Stone Street/High Street/Crane Lane); and
- AL/CR 6 (Wilkes Field).

One further parish allocation at Sissinghurst is set out by the following policy:

- AL/VRA 1 (Former Sissinghurst Primary School, The Street, Sissinghurst)

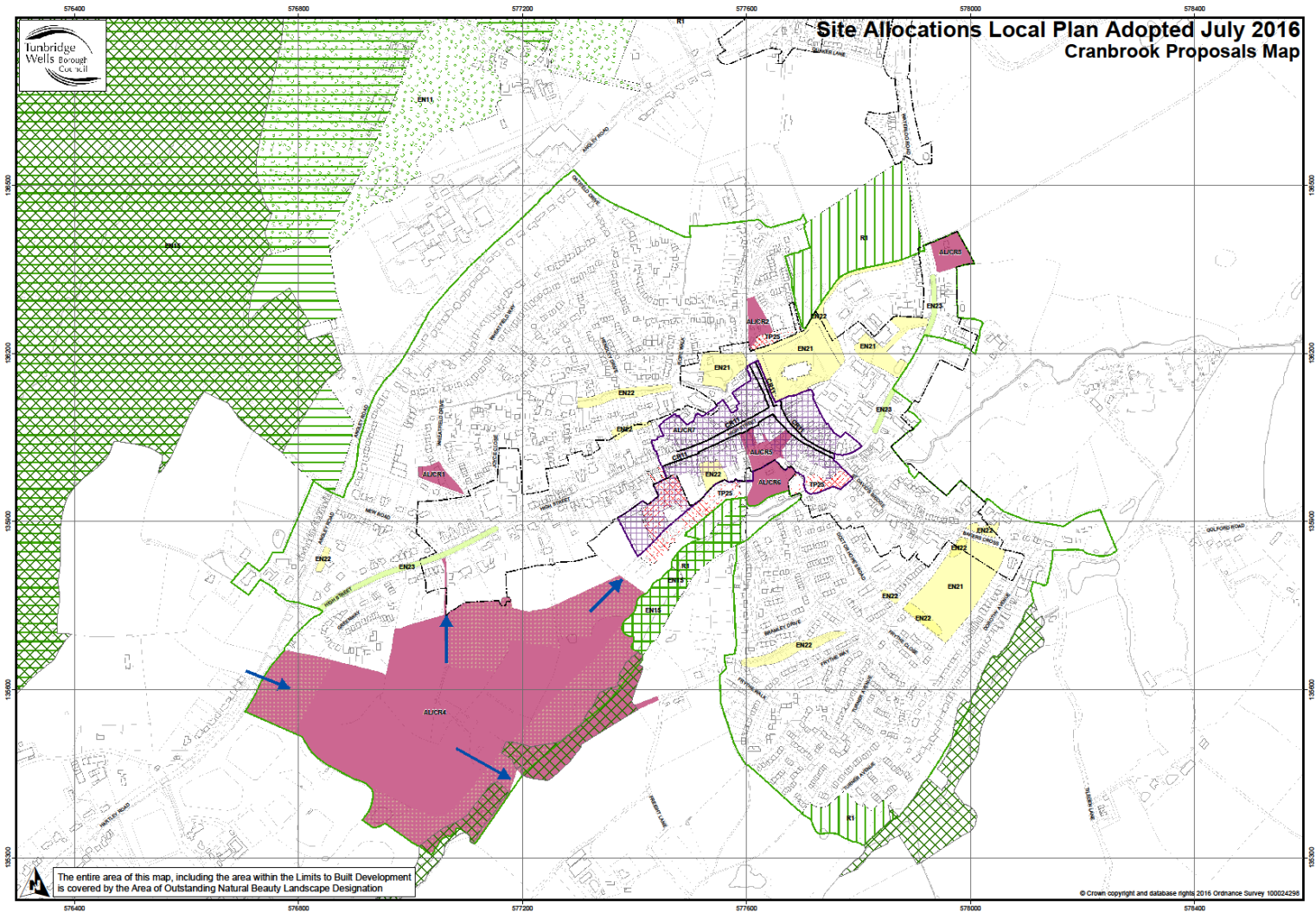
No allocations are made for any of the other villages, hamlets or rural settlements across Cranbrook and Sissinghurst parish, in line with the Council's updated sustainable settlement hierarchy¹⁷.

Proposals maps and legend accompany the Site Allocation Local Plan. These not only set out the locations and boundaries of the allocations listed above, but also map the Limits to Built Development (LBD) at each settlement, as well as various other key spatial policy designations. As such, the mapping and legend are highly relevant for the purposes of this study and for this reason are reproduced in full as Figures 1, 2 and 3 on the following pages.

¹⁶ Available at http://www.tunbridgewells.gov.uk/data/assets/pdf_file/0016/130066/01_Site-Allocations-Local-Plan_July-2016.pdf

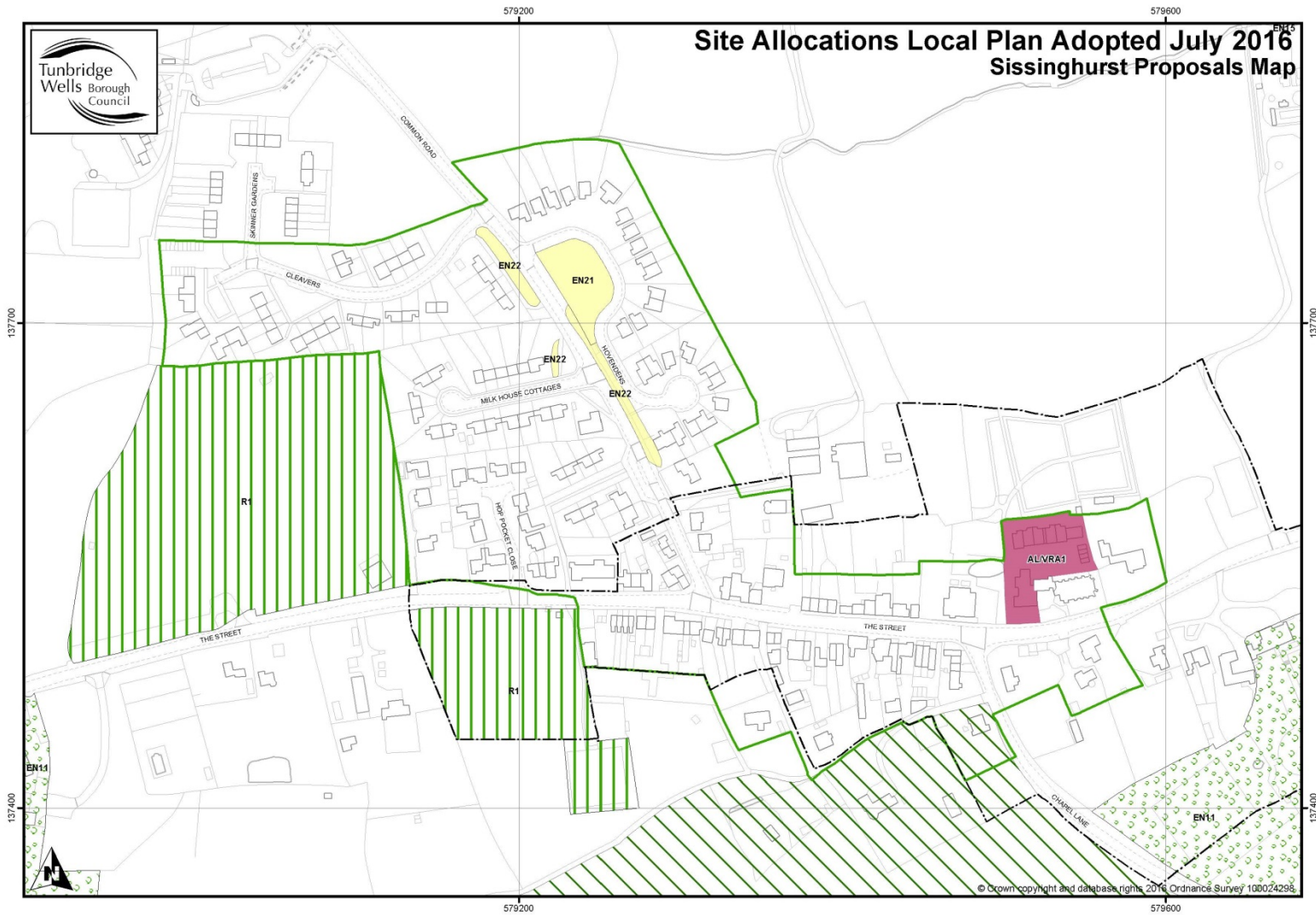
¹⁷ Available at http://www.tunbridgewells.gov.uk/data/assets/pdf_file/0006/28833/Core-Strategy-Review-Background-Paper-1-Settlement-Hierarchy.pdf

Figure 1: Site Allocations Local Plan (2016) map of Cranbrook



Source: Tunbridge Wells Site Allocations Local Plan (2016)

Figure 2: Site Allocations Local Plan (2016) map of Sissinghurst



Source: Tunbridge Wells Site Allocations Local Plan (2016)

Figure 3: Site Allocations Local Plan (2016) maps Legend



Source: Tunbridge Wells Site Allocations Local Plan (2016)

2.4 Emerging Core Strategy Review (Issues and Options, 2017)¹⁸

In 2017, TWBC started consultation on a new Local Plan to replace the adopted Core Strategy and Site Allocations Local Plan. At the time of writing, the emerging Local Plan is at an early stage (issues and options), meaning there are no new policies to refer to yet. Of most immediate relevance are the five spatial options for the Borough that the Issues and Options document presents. These are as follows, with their potential implications for Cranbrook and Sissinghurst assessed in each case:

- **Option 1: Focussed Growth-** this would direct a medium proportion of development to Cranbrook and only limited development to Sissinghurst;
- **Option 2: Semi-dispersed Growth-** this would direct the same amount of development to Cranbrook as Option 1 but a greater percentage to Sissinghurst as one of the Borough's 'larger villages' (it was defined as such in the updated settlement hierarchy work referenced previously);
- **Option 3: Dispersed Growth-** this would direct development to all existing settlements based on their size, meaning both Cranbrook and Sissinghurst would be likely to get more development than in Options 1 and 2;
- **Option 4: Growth Corridor-led Approach-** development is directed to the A21 close to Royal Tunbridge Wells and Pembury, meaning limited development/infill only at Cranbrook and Sissinghurst; and
- **Option 5: New Settlement Growth-** this would direct all development to a new freestanding settlement whose location is currently to be determined. This could theoretically mean anything from all of the Borough's development being accommodated within Cranbrook and Sissinghurst Parish or none of it being accommodated within the parish.

2.5 Tunbridge Wells Strategic Housing and Economic Land Availability Assessment process¹⁹

For the purposes of this Site Assessment, some of the evidence base studies that have been developed to inform the emerging Core Strategy Review have great relevance- in particular, the Strategic Housing and Economic Land Availability Assessment (SHELAA) process.

The purpose of the SHELAA process is to carry out one or more Call(s) for Sites and then determine whether or not those sites are suitable, available and achievable for housing and/or employment development. If sites pass the three tests of suitability, availability and achievability, then the principle of development on them has been accepted by the local authority and they may proceed to allocation in the Local Plan. On the other hand, sites that do not pass these three tests are known as 'rejected' sites.

The SHELAA process at TWBC consists, at the time of writing, of three steps. Firstly, in 2016, an initial Call for Sites from landowners and developers was followed by an interim SHELAA document (2017) assessing all of these sites. A second call for sites was then made in 2017 which resulted in the identification of further land considered to be available for development. The results of this second call for sites do not appear in the interim SHELAA. Additionally, because the SHELAA is only at interim rather than final stage, it does not at the time of writing decisively accept or reject sites. Rather, it lists site characteristics relevant to an assessment of suitability and achievability, but does not make a final judgement on either.

Within Cranbrook and Sissinghurst parish, a total of forty sites were submitted as part of both Calls for Sites. Of these forty, twenty-six appear in the interim SHELAA and fourteen do not.

Table 1 and Figures 4, 5 and 6 on the following pages list and map respectively all forty sites submitted within the Parish and which therefore form the subject of this Site Assessment Report. Figures 4, 5 and 6 comprise extracts from the interactive mapping that displays sites from both the 2016 and the 2017 Call for Sites together;

¹⁸ Available at http://consult.tunbridgewells.gov.uk/portal/planning_information/spp/local_plan/io/lp_io_1

¹⁹ Interim SHELAA available at <http://www.tunbridgewells.gov.uk/residents/planning/planning-policy/new-local-plan/interim-strategic-housing-and-economic-land-availability-assessment>; Calls for Sites interactive mapping available at <https://tunbridgewells.maps.arcgis.com/apps/webappviewer/index.html?id=dbf1590f0ee44de8a862ff7aeb0f3b01>; lists of sites by parish available at http://www.tunbridgewells.gov.uk/data/assets/pdf_file/0016/142054/5B6DAAC84A632686E0531401A8C04D03_CFS1-And-2_ParishList_150917.pdf

however, the numbers of individual sites are not visible in Figure 4 because they only appear at a higher level of zoom.

Table 1: Sites within Cranbrook and Sissinghurst Parish submitted through the TWBC SHELAA Call for Sites 2016 and 2017

Call for Sites ID ²⁰	Site name/address	Site assessed in interim SHELAA?	Site area (hectares)
25	Land to the west of Frythe Way and east of Freight Lane, Cranbrook	Yes	2.83
29	Land at Boycourt Orchards, A229 Angley Road, Wisley Pound, Cranbrook TN17 2HR	Yes	1.59
54	Land on the east side of Mill Lane, Sissinghurst, TN17 2HX	Yes	0.86
59	Gate Farm, adjacent to Hartley Road and Glassenbury Road, Hartley, Cranbrook, TN17 2ST	Yes	0.67
68	Land at junction of Common Road and Frittenden Road, Sissinghurst	Yes	1.61
70	Land south west of Campion Crescent, Hartley, Cranbrook	Yes	0.23
71	Land adjoining Cranbrook Primary School, Quaker Lane, Cranbrook, TN17 3JZ (B)	Yes	2.05
92	Land south of Grove Cottage, Tilsden Lane, Cranbrook TN17 3PJ	Yes	1.04
110	Land to the west of Co-operative, High Street, Cranbrook TN17 3DQ	Yes	0.46
119	Land adjacent to Angley Road, Cranbrook	Yes	1.31
120	Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road, Sissinghurst	Yes	2.20
122	Gate Farmland at Charity Farm, Swattenden Lane, Cranbrook TN17 3PS	Yes	2.61
125	Land adjoining Wilsley Farm, adjacent to Angley Road and Whitewell Lane, Cranbrook, TN17 2LE	Yes	0.99
128	Scott Field, Main Campus, Cranbrook School, adjacent to Bakers Cross, Cranbrook	Yes	4.46
129	Big Side Playing Field adjacent to Quaker Lane and Waterloo Road, Cranbrook	Yes	4.64
130	Cranbrook School Main Campus, Waterloo Road, Cranbrook TN17 3JD	Yes	16.07
131	Jaegers Field, Angley Road, Cranbrook	Yes	2.75
132	Rammell Field, Bakers Cross, Cranbrook	Yes	1.69
133	Land adjoining Cranbrook Primary School, Quaker Lane Cranbrook (A)	Yes	4.21
155	Park Farm (formerly Breach Farm), Goudhurst Road, Cranbrook TN17 2LJ	Yes	1.15
157	The Tanyard Woodyard, The Tanyard, Cranbrook TN17 3HU	Yes	0.22
159	Land south of The Street, Sissinghurst	Yes	0.55
188	Land adjacent to Hartley Dyke, Cranbrook	Yes	7.58
269	Museum and land, Carriers Road, Cranbrook	Yes	0.16

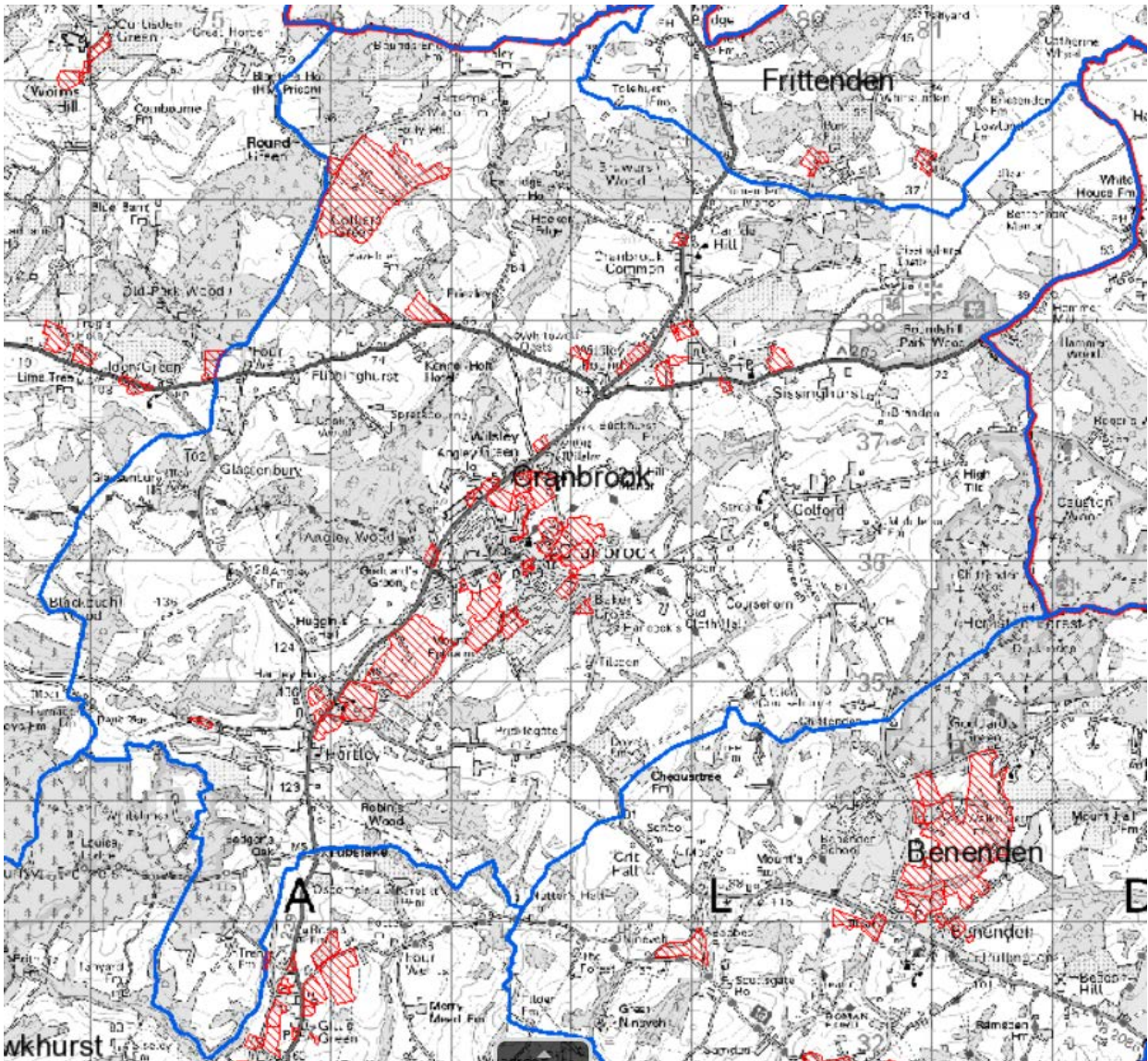
²⁰ This ID number was given to each site by TWBC and will form the site identifier for each site for the remainder of this study.

Call for Sites ID ²⁰	Site name/address	Site assessed in interim SHELAA?	Site area (hectares)
271	Land at Crane Lane including WC block and Wilkes Field, Cranbrook	Yes	0.40
292	Land at South of High Street, Cranbrook	No	4.96
296	Oak Tree Farm, The Common, Wilsley Pound, Cranbrook	No	0.67
301	The Moss Field, Sissinghurst Road, Sissinghurst	No	2.73
323	Land adjacent to Hartley Gate Farmhouse, Cranbrook	No	0.17
325 ²¹	Land adjacent to Colliers Green Primary School, Colliers Green	Yes	48.05
345	Land adjacent to Glassenbury Road, Glassenbury Road, Cranbrook	No	1.37
365	Land at the Old Railway Line, Bishops Lane, Hartley	No	0.70
385	The Providence Chapel, Stone Street, Cranbrook	No	0.03
388	Glen Cove, Cranbrook Common, Cranbrook	No	0.81
396	Land West of Freight Lane, Cranbrook	No	6.71
398	Land at Marden Road, Cranbrook	No	4.41
407	Land at Brooksden, High Street, Cranbrook	No	0.41
409	The High Weald Academy, Angley Road, Cranbrook	No	1.70
430	Turnden Farm, Hartley Road, Cranbrook	No	27.64
442	Land Adjacent Orchard Cottage, Frittenden Road, Sissinghurst	No	0.42

Source: Tunbridge Wells Call for Sites and SHELAA, 2016-7

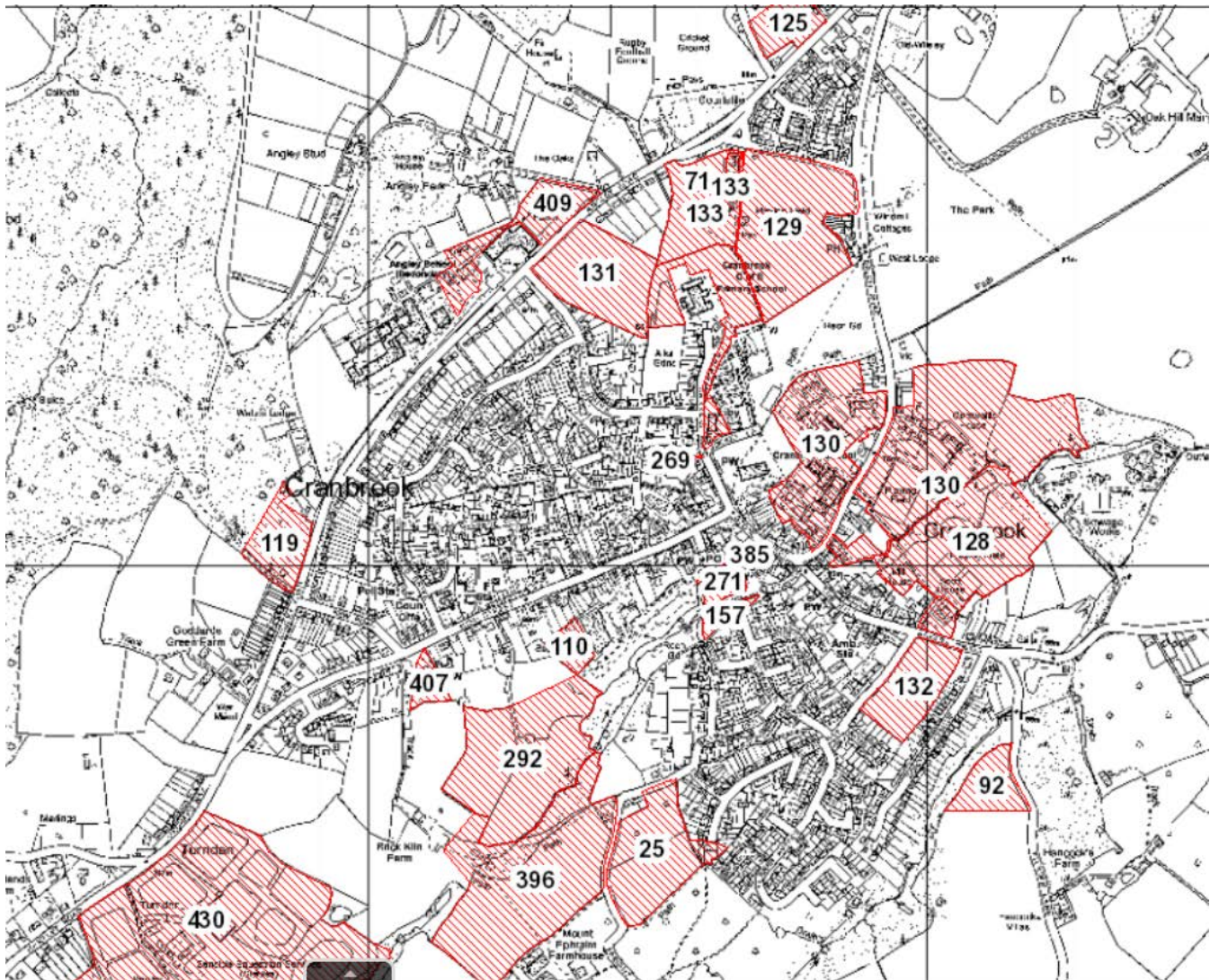
²¹ This site was renumbered as 160 in the Interim SHELAA document itself, for unknown reasons.

Figure 4: Extract from TWBC interactive mapping showing sites listed in Table 1 across Cranbrook and Sissinghurst Parish



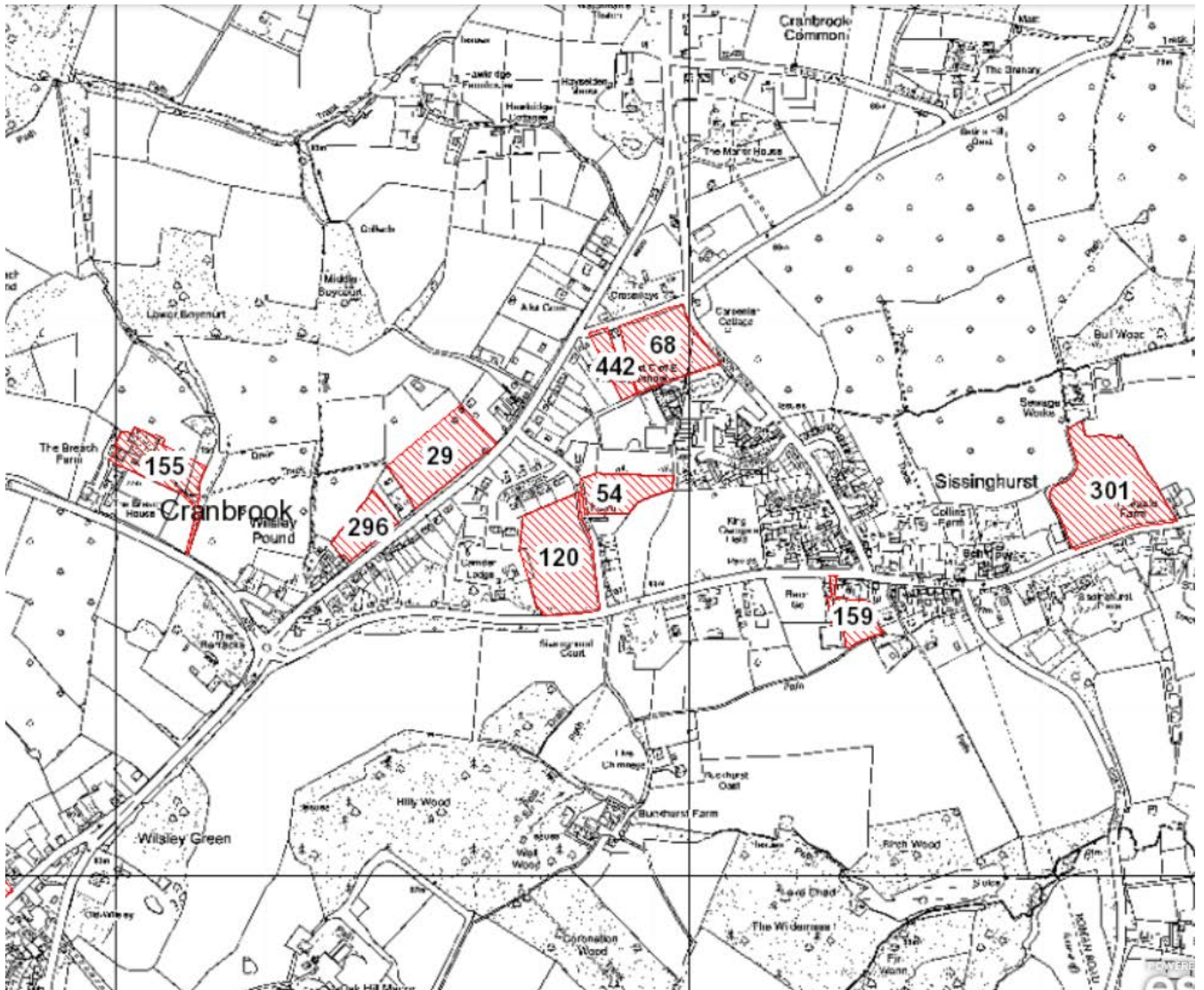
Source: Tunbridge Wells Interactive Call for Sites Mapping, 2016-7

Figure 5: Extract from TWBC interactive mapping showing sites listed in Table 1 within and adjacent to Cranbrook



Source: Tunbridge Wells Interactive Call for Sites Mapping, 2016-7

Figure 6: Extract from TWBC interactive mapping showing sites listed in Table 1 within and adjacent to Sissinghurst



Source: Tunbridge Wells Interactive Call for Sites Mapping, 2016-7

2.6 Initial appraisal of site suitability

In its Planning Practice Guidance (PPG), the government advises that evidence supporting neighbourhood plans should be proportionate.²² With this in mind, as well as the need to make efficient use of the resources available to AECOM, it is considered neither practical nor possible to carry out a detailed assessment of all forty sites.

Fortunately, this is not in any case necessary. In fact, only a total of nineteen sites require further consideration: of these nineteen, thirteen need for the partial assessment carried out already by TWBC in the Interim SHELAA to be verified and completed, and six need full assessment by AECOM, having not previously been assessed at all.

For the thirteen sites already partially assessed by TWBC, there is a need to minimise duplication of, and maximise complementarity of, all assessment work. It is considered that the most appropriate role for AECOM on these sites is to verify and comment on TWBC's existing assessment, and then, on the basis of the existing assessment and any AECOM comments or additions, derive a final judgement of technical suitability.

The remaining twenty-one sites in the Table 1 longlist do not require further assessment for the following reasons:

- Seventeen sites lie outside of or not adjacent to the LBDs of Cranbrook and Sissinghurst. This means that local and national planning policy would not support their allocation, no matter what the results of any detailed assessment against other criteria;
- Two of the sites overlap wholly with existing allocations at Cranbrook in the 2016 Site Allocations Local Plan; the sites are therefore already allocated for development and need no further assessment;
- One site overlaps wholly with another site, and can therefore be discounted, as it will be assessed as part of the overlapping site; and finally
- One site both overlaps wholly with another site **and** lies outside of or not adjacent to the LBDs of Cranbrook and Sissinghurst. This means that it can be discounted both because it will be assessed as part of the overlapping site **and** because local and national planning policy would not support its allocation.

The only exceptions to the above criteria are Sites 68 and 442, which neighbour one another and are located north of Sissinghurst. Although they do not directly adjoin the settlement boundary of Sissinghurst, it is clear from Figure 2 that the settlement boundary of the northern edge of Sissinghurst excludes a substantial amount of development, including all residential properties north of Cleavers and Sissinghurst Primary School. As such, they adjoin Sissinghurst in de facto terms and both TWBC and CSPC have advised that in this case, an exception may be made. As there are no other locations at either Cranbrook or Sissinghurst where the settlement boundary cuts through existing development on the edge of the settlement, no other exceptions are required.

Table 3 on the following pages lists, for each site, which of the above categories of assessment are appropriate, with a rationale for AECOM's judgement given in each case. Those sites that remain in need of more detailed assessment, either by means of completing TWBC's interim SHELAA work, or through a standalone (but fully consistent) AECOM assessment, will be carried forward to Chapter 3 later in this report.

²² See <https://www.gov.uk/guidance/neighbourhood-planning--2>

Table 3: Initial assessment of suitability of sites at Cranbrook and Sissinghurst based on TWBC planning policy

Call for Sites ID	Site name/address	Suitability in terms of local and national LBD/settlement policy ²³	Is site assessed within the TWBC interim SHELAA?	Result for purposes of this site assessment
25	Land to the west of Frythe Way and east of Freight Lane, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook	Yes	Site proceeds to next stage; assessment already started by TWBC
29	Land at Boycourt Orchards, A229 Angley Road, Wisley Pound, Cranbrook TN17 2HR	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	Yes	Site not suitable for development in terms of local and national policy; does not proceed to next stage
54	Land on the east side of Mill Lane, Sissinghurst, TN17 2HX	Suitable as within/adjacent to LBD of Sissinghurst	Yes	Site proceeds to next stage; assessment already started by TWBC
59	Gate Farm, adjacent to Hartley Road and Glassenbury Road, Hartley, Cranbrook, TN17 2ST	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	Yes	Site not suitable for development in terms of local and national policy; does not proceed to next stage
68	Land at junction of Common Road and Frittenden Road, Sissinghurst	Suitable as within/adjacent to LBD of Sissinghurst	Yes	Site proceeds to next stage; assessment already started by TWBC
70	Land south west of Champion Crescent, Hartley, Cranbrook	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	Yes	Site not suitable for development in terms of local and national policy; does not proceed to next stage
71	Land adjoining Cranbrook Primary School, Quaker Lane, Cranbrook, TN17 3JZ (B)	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	Yes	Site overlaps entirely with site 129 and is not suitable for development in terms of local and national policy; does not proceed to next stage

²³ As per Section 2.1 above

Call for Sites ID	Site name/address	Suitability in terms of local and national LBD/settlement policy ²³	Is site assessed within the TWBC interim SHELAA?	Result for purposes of this site assessment
92	Land south of Grove Cottage, Tilsden Lane, Cranbrook TN17 3PJ	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	Yes	Site not suitable for development in terms of local and national policy; does not proceed to next stage
110	Land to the west of Co-operative, High Street, Cranbrook TN17 3DQ	Suitable as within/adjacent to LBD of Cranbrook	Yes	Site proceeds to next stage; assessment already started by TWBC
119	Land adjacent to Angley Road, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook	Yes	Site proceeds to next stage; assessment already started by TWBC
120	Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road, Sissinghurst	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	Yes	Site not suitable for development in terms of local and national policy; does not proceed to next stage
122	Gate Farmland at Charity Farm, Swattenden Lane, Cranbrook TN17 3PS	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	Yes	Site not suitable for development in terms of local and national policy; does not proceed to next stage
125	Land adjoining Wilsley Farm, adjacent to Angley Road and Whitewell Lane, Cranbrook, TN17 2LE	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	Yes	Site not suitable for development in terms of local and national policy; does not proceed to next stage
128	Scott Field, Main Campus, Cranbrook School, adjacent to Bakers Cross, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook	Yes	Site overlaps entirely with site 130- therefore does not proceed to next stage as it requires no separate assessment
129	Big Side Playing Field adjacent to Quaker Lane and Waterloo Road, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook	Yes	Site proceeds to next stage; assessment already started by TWBC

Call for Sites ID	Site name/address	Suitability in terms of local and national LBD/settlement policy ²³	Is site assessed within the TWBC interim SHELAA?	Result for purposes of this site assessment
130	Cranbrook School Main Campus, Waterloo Road, Cranbrook TN17 3JD	Suitable as within/adjacent to LBD of Cranbrook	Yes	Site proceeds to next stage; assessment already started by TWBC
131	Jaegers Field, Angley Road, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook	Yes	Site proceeds to next stage; assessment already started by TWBC
132	Rammell Field, Bakers Cross, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook	Yes	Site proceeds to next stage; assessment already started by TWBC
133	Land adjoining Cranbrook Primary School, Quaker Lane, Cranbrook (A)	Suitable as within/adjacent to LBD of Cranbrook	Yes	Site proceeds to next stage; assessment already started by TWBC
155	Park Farm (formerly Breach Farm), Goudhurst Road, Cranbrook TN17 2LJ	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	Yes	Site not suitable for development in terms of local and national policy; does not proceed to next stage
157	The Tanyard Woodyard, The Tanyard, Cranbrook TN17 3HU	Suitable as within/adjacent to LBD of Cranbrook	Yes	Site proceeds to next stage; assessment already started by TWBC
159	Land south of The Street, Sissinghurst	Suitable as within/adjacent to LBD of Sissinghurst	Yes	Site proceeds to next stage; assessment already started by TWBC
188	Land adjacent to Hartley Dyke, Cranbrook	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	Yes	Site not suitable for development in terms of local and national policy; does not proceed to next stage
269	Museum and land, Carriers Road, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook	Yes	Site proceeds to next stage; assessment already started by TWBC

Call for Sites ID	Site name/address	Suitability in terms of local and national LBD/settlement policy ²³	Is site assessed within the TWBC interim SHELAA?	Result for purposes of this site assessment
271	Land at Crane Lane including WC block and Wilkes Field, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook	Yes	Site overlaps wholly with existing TWBC allocation AL/CR6: therefore does not proceed to next stage as it requires no further assessment
292	Land at South of High Street, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook;	No	Site overlaps entirely with existing TWBC allocation AL/CR4: therefore does not proceed to next stage as it requires no further assessment
296	Oak Tree Farm, The Common, Wilsley Pound, Cranbrook	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	No	Site not suitable for development in terms of local and national policy; does not proceed to next stage
301	The Moss Field, Sissinghurst Road, Sissinghurst	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	No	Site not suitable for development in terms of local and national policy; does not proceed to next stage
323	Land adjacent to Hartley Gate Farmhouse, Cranbrook	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	No	Site not suitable for development in terms of local and national policy; does not proceed to next stage
325 ²⁴	Land adjacent to Colliers Green Primary School, Colliers Green	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	Yes	Site not suitable for development in terms of local and national policy; does not proceed to next stage

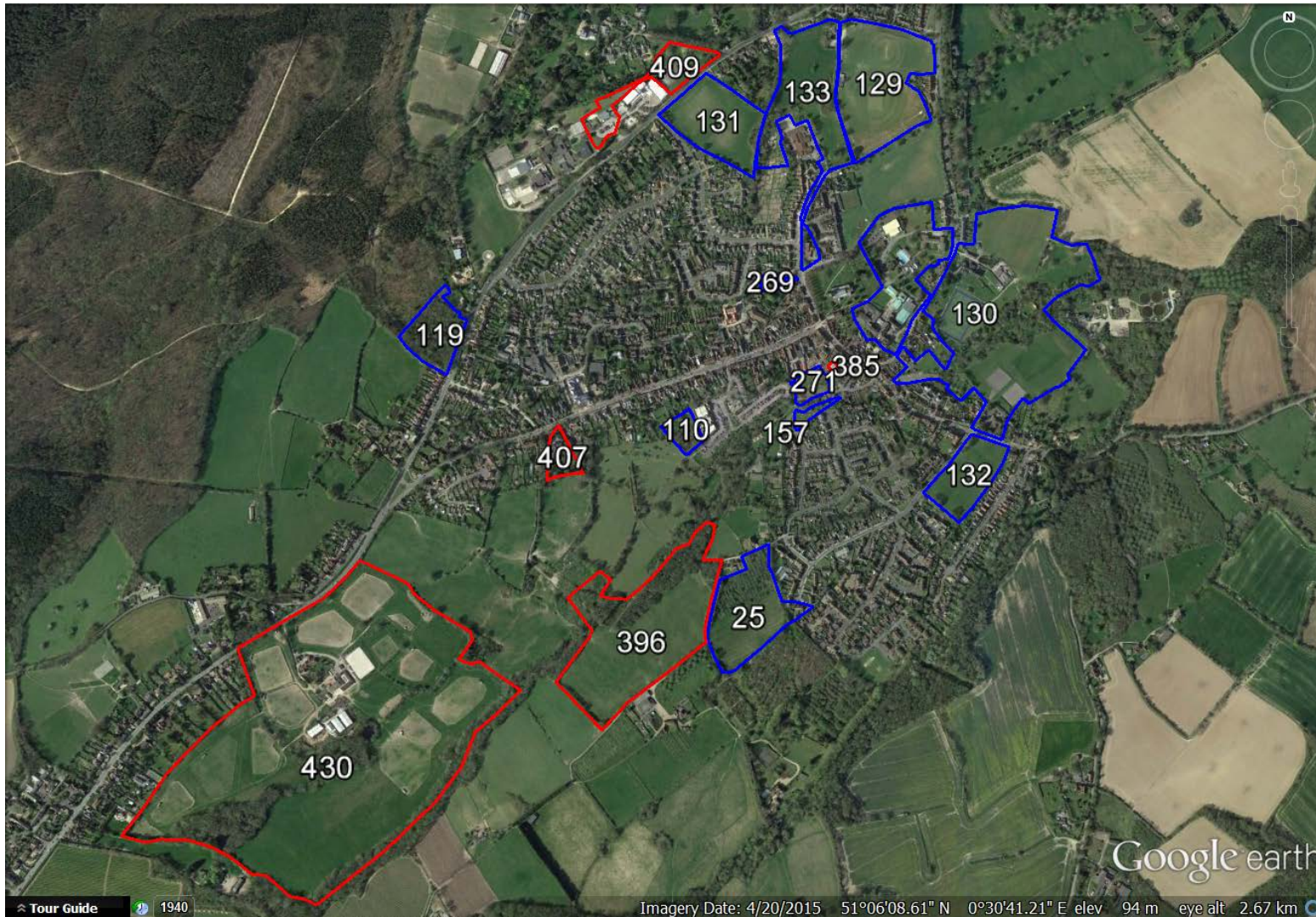
²⁴ This site was renumbered as 160 in the Interim SHELAA document itself, for unknown reasons

Call for Sites ID	Site name/address	Suitability in terms of local and national LBD/settlement policy ²³	Is site assessed within the TWBC interim SHELAA?	Result for purposes of this site assessment
345	Land adjacent to Glassenbury Road, Glassenbury Road, Cranbrook	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	No	Site not suitable for development in terms of local and national policy; does not proceed to next stage
365	Land at the Old Railway Line, Bishops Lane, Hartley	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	No	Site not suitable for development in terms of local and national policy; does not proceed to next stage
385	The Providence Chapel, Stone Street, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook	No	Site proceeds to next stage-detailed assessment required
388	Glen Cove, Cranbrook Common, Cranbrook	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	No	Site not suitable for development in terms of local and national policy; does not proceed to next stage
396	Land West of Freight Lane, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook	No	Site proceeds to next stage-detailed assessment required
398	Land at Marden Road, Cranbrook	Not suitable; not adjacent to or within LBDs of Cranbrook or Sissinghurst	No	Site not suitable for development in terms of local and national policy; does not proceed to next stage
407	Land at Brooksdon, High Street, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook	No	Site proceeds to next stage-detailed assessment required
409	The High Weald Academy, Angley Road, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook	No	Site proceeds to next stage-detailed assessment required
430	Turnden Farm, Hartley Road, Cranbrook	Suitable as within/adjacent to LBD of Cranbrook ²⁵	No	Site proceeds to next stage-detailed assessment required
442	Land Adjacent Orchard Cottage, Frittenden Road, Sissinghurst	Suitable as within/adjacent to LBD of Sissinghurst	No	Site proceeds to next stage-detailed assessment required

²⁵ Adjacent to Cranbrook LBD as amended by the Site Allocations Local Plan 2016

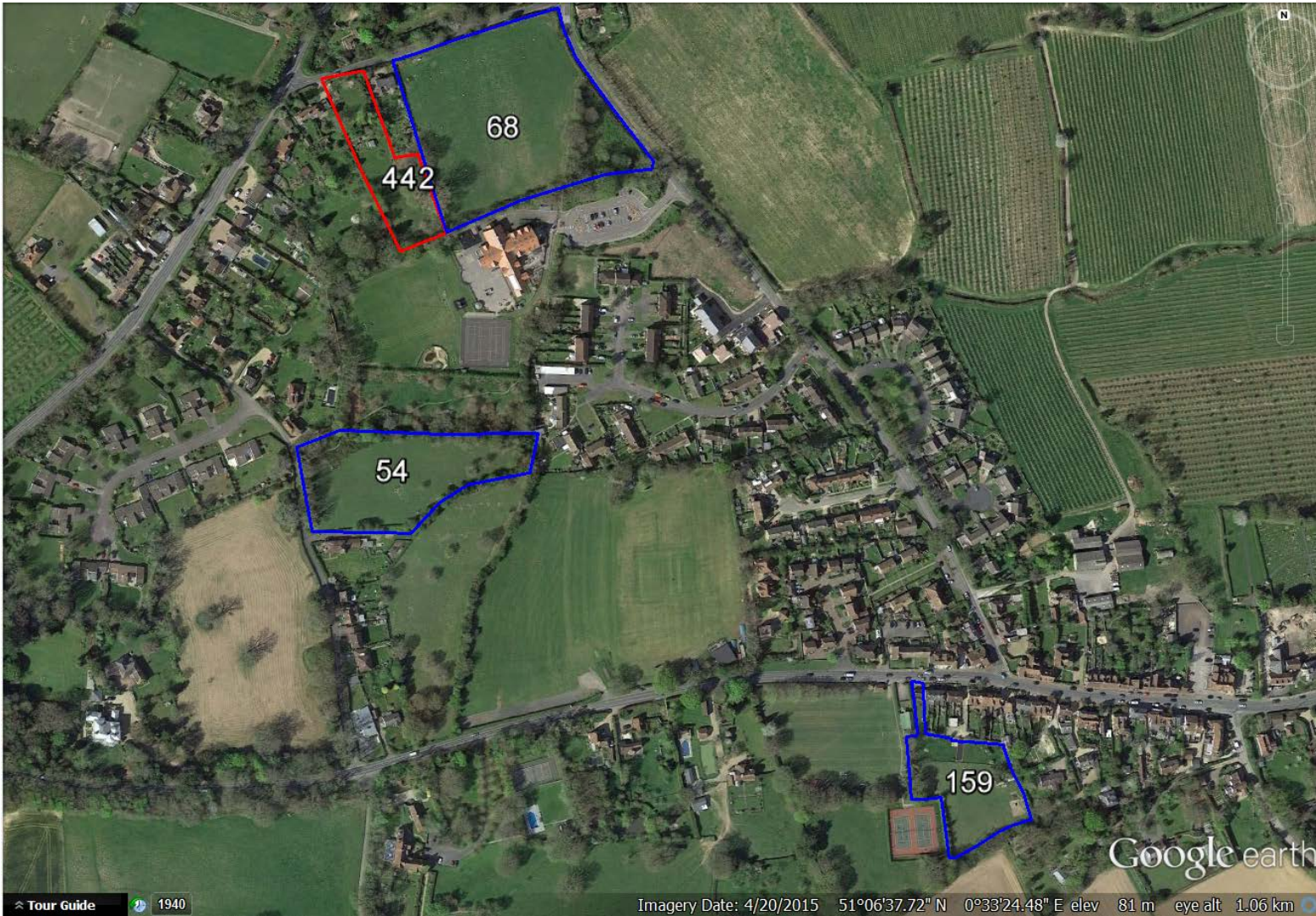
All sites in both Cranbrook and Sissinghurst that remain for assessment following this filtering exercise are illustrated in Figures 7 and 8 on the following pages.

Figure 7: Sites in Cranbrook to be assessed in detail (TWBC Interim SHELAA sites in blue, sites not previously assessed in red)



Source: Google Earth

Figure 8: Sites in Sissinghurst to be assessed in detail (TWBC Interim SHELAA sites in blue, sites not previously assessed in red)



Source: Google Earth

3. Appraisal of remaining sites

3.1 Introduction

Site selection and allocations is one of the most contentious aspects of planning, raising strong feelings amongst local people, landowners, developers and businesses. It is therefore important that any assessment process carried out is independent, transparent, fair, robust and defensible and that the same criteria and thought process is applied to each potential site. Equally important is the way in which the work is recorded and communicated to interested parties.

The approach undertaken within this detailed element of the site appraisal is based primarily on the Government's National Planning Practice Guidance (Assessment of Land Availability) published in 2014 with on-going updates. This guidance demonstrates how to assess the suitability, availability and achievability of land for housing or economic development as part of a local authority's evidence base for a Local Plan.

Although a Neighbourhood Plan is of course at a smaller scale than a Local Plan, the criteria used for assessing the suitability of sites for housing remain appropriate.

In this context, the methodology for carrying out the remaining elements of the site assessment process is presented below.

3.2 Task 1: Defining the criteria against which to assess all sites

A desk study was carried out that entailed review of a wide range of policy and evidence documents in order to understand the history and the context for the Neighbourhood Plan site allocations. These comprise:

- Adopted Tunbridge Wells Core Strategy (2010);
- Adopted Tunbridge Wells Site Allocations Local Plan (2016);
- Cranbrook Conservation Area Appraisal Supplementary Planning Document (SPD), June 2010²⁶;
- DEFRA Magic Map²⁷;
- Emerging Tunbridge Wells Local Plan (Issues and Options, 2017);
- Google Earth, Google Maps and Google Street View²⁸;
- Information provided verbally and via e-mail, by Cranbrook and Sissinghurst Parish Council and their planning advisors, Feria Urbanism;
- Kent County Council Landscape Information System (KLIS) mapping²⁹;
- Kent and Medway Biodiversity Areas mapping³⁰;
- Online mapping of Protected Trees in Tunbridge Wells Borough³¹;
- Sissinghurst Conservation Area Appraisal Supplementary Planning Document (SPD), June 2010³²;
- Tunbridge Wells Borough Landscape Character Assessment, October 2011³³;

²⁶ Available at http://www.tunbridgewells.gov.uk/data/assets/pdf_file/0010/24796/CAA_Cranbrook.pdf

²⁷ Available at <http://www.magic.gov.uk>

²⁸ Available at https://www.google.co.uk/intl/en_uk/earth/ and <https://www.google.co.uk/maps>

²⁹ Available at <http://webapps.kent.gov.uk/KCC.KLIS.Web.Sites.Public/ViewMap.aspx>

³⁰ Available at <http://bbowt-extra.org.uk/KWTWebMap/>

³¹ Available at

<https://tunbridgewells.maps.arcgis.com/apps/webappviewer/index.html?id=746f3da718984df2a1e144b22628cd4c>

³² Available at http://www.tunbridgewells.gov.uk/data/assets/pdf_file/0020/27911/Sissinghurst-Conservation-Area-Appraisal-adopted-Oct-2012.pdf

³³ Available at http://www.tunbridgewells.gov.uk/data/assets/pdf_file/0003/24483/PP_BLCAA_2011.pdf

- Tunbridge Wells Local Plan Proposals Maps³⁴; and
- Natural England's Agricultural Land Quality Mapping for London and the South East³⁵.

Based on data from the above sources, site appraisal pro-formas were developed. The purpose of the pro-formas is to enable a consistent evaluation of each site through the consideration of an established set of parameters against which each site can be then appraised.

The pro-forma utilised for the assessment enables a range of information to be recorded, including the following:

- Background information:
 - Site location and use;
 - Site context and planning history;
- Suitability:
 - Site characteristics;
 - Environmental considerations;
 - Heritage considerations;
 - Community facilities and services;
 - Other key considerations (e.g. flood risk, agricultural land, tree preservation orders); and
- Availability.

All sites were assessed for their walking distances from what has been termed the 'centres of gravity' for services and facilities. A village's 'centre of gravity' for services and facilities can be defined as being the location closest on average to the full range of village conveniences, including shops, pubs, employment sites, emergency services, schools and so on.

In the case of this assessment, two 'centres of gravity' were defined- one for Cranbrook and one for Sissinghurst.

It is considered that the approximate points that are both themselves highly accessible and on average closest to the widest range of village services and facilities are:

- The junction of High Street, Carriers Road and Stone Street in Cranbrook; and
- The junction of Common Road and The Street, Sissinghurst.

The distance between the centre point of each site being assessed and its local 'centre of gravity' was then measured, in metres, along existing and proposed routes. It is important to measure along existing and proposed routes rather than as the crow flies, as the latter obviously does not give an accurate picture of walking time.

Sites whose centre points were within 400 metres walking distance of the villages' centres of gravity were given a 'green' traffic light assessment. Sites between 400 and 800 metres were given an 'amber' traffic light, and sites over 800 metres were given a 'red' traffic light.

3.3 Task 2: Review of sites already assessed by TWBC

The Cranbrook and Sissinghurst Site Assessment process is relatively unusual in that TWBC have already provided an interim (though incomplete) assessment of the majority of the remaining sites through the Interim SHELAA.

As such, it was considered that filling out a site appraisal pro-forma for each of these sites would be inefficient and likely to duplicate work. Instead, the information captured by TWBC was verified and then additional assessment was carried out, 'topping up' the existing TWBC conclusions to ensure

³⁴ Available at <http://www.tunbridgewells.gov.uk/residents/planning/planning-policy/local-plan/local-plan-proposals-maps>

³⁵ Available at <http://publications.naturalengland.org.uk/publication/141047?category=5954148537204736>

precise consistency between those sites whose assessment was started by TWBC and those sites whose assessment was carried out entirely by AECOM through the pro-formas described above.

For all sites already listed in the TWBC Interim SHELAA, AECOM carried out a review of the information that had been captured by TWBC (which was consistent across all sites), then assessed the accuracy of that information, and subsequently looked to fill any relevant gaps in that evidence.

This exercise required judgement on the part of AECOM in determining the accuracy and extent of TWBC's interim conclusions. It was considered that the clearest, most practical way to do this was to divide the Appendix A proforma into its constituent headings that form broad topic areas, and then make a judgement as to whether or not TWBC had carried out for each site a **partial assessment** of that topic area, a **complete assessment**, or **no assessment** at all. The results of this exercise are set out in Table 4 below.

Table 4: Structure of assessment for sites listed in the TWBC Interim SHELAA

Site Assessment Proforma broad topic area	AECOM assessment of TWBC treatment of topic area	Proposed AECOM action
General Information	TWBC assessment is complete	Review TWBC assessment; no further information needs to be added for this topic area
Context	No TWBC assessment	Add: greenfield/brownfield assessment, site planning history (traffic light assessments)
Accessibility	TWBC assessment is complete	Review TWBC assessment; no further information needs to be added for this topic area
Environmental considerations	TWBC assessment is incomplete	Add: policy/environmental designations, ecological assessment, landscape and visual impact, agricultural land assessment (traffic light assessments)
Heritage considerations	TWBC assessment is incomplete	Add: details of heritage designations or assets (traffic light assessment)
Community facilities and services	No TWBC assessment	Add: assessment of proximity to community facilities and services (traffic light assessment)
Other key considerations	TWBC assessment is incomplete	Add: assessment of existing social, community or amenity value (traffic light assessment)
Characteristics	TWBC assessment is incomplete	Add: assessment of impact for coalescence, assessment of impact on size and character of settlement (traffic light assessments)
Availability	TWBC assessment is complete	Review TWBC assessment; no further information needs to be added for this topic area
Summary	No TWBC assessment	Add: Conclusions (traffic light assessment), potential housing capacity, key evidence for decision

Based on Table 5, a bespoke proforma was developed for each of the sites where TWBC had started assessment, and these proformas are set out in full in Appendix A. Appendix A should be read in conjunction with the Cranbrook and Sissinghurst section of TWBC's Interim SHELAA.

3.4 Task 3: Assessment of 'standalone' sites

Having added data to those sites whose assessment had been started by TWBC, AECOM then began to populate the pro-formas for the 'standalone' sites, i.e. the six sites where no assessment had yet been carried out. As explained above, the intended result was for all sites to be assessed on an equal basis against the same criteria in every case, to ensure full consistency of assessment across the parish. All completed proformas are set out in Appendix B.

3.5 Task 4: Site visit

After the completion of the initial desk study, a site visit to the Neighbourhood Plan area was undertaken by a member of the AECOM Neighbourhood Planning team. The purpose of the site visit was to evaluate the sites 'on the ground' to test and validate the findings of the desktop assessment. It was also an opportunity to better understand the context and nature of the Neighbourhood Plan area and each individual site. Final conclusions as to the suitability or otherwise of each site were only formulated following and on the basis of the site visit.

3.6 Task 5: Completion of assessment

Following the site visit, a final judgement was applied to each site, using a traffic-light rating. This was to validate and the findings of the site visit and to enable the performance of each site across the full range of criteria to be consolidated into a single verdict on suitability and availability.

For consistency of assessment, indicative housing capacities for each site considered suitable and available have been calculated based on a density range indicated by the adopted Core Strategy (30-40 dwellings per hectare). Because these capacities are indicative only, they are likely to be refined by future masterplanning work on some or all of the sites considered suitable or suitable with constraints.

Section 4 presents a summary of the results of the site appraisal.

4. Summary of appraisal results

This section provides a summary of the results of the appraisal carried out for each of the sites considered to have potential for development having regard to the local planning and evidence context. Note that any assessment of this nature can only be a snapshot in time- there is the potential for some sites assessed as not suitable or available for the purposes of this assessment to become suitable or available either within this plan period or into the next, depending on the actions taken by the landowner or developer.

The sites have been assessed using the Government's Planning Practice Guidance (PPG) relating to Neighbourhood Planning and the assessment of land for development³⁶. From a review of all existing information, a judgement has been made as to whether each site is suitable for residential development.

A 'traffic light' rating of all sites has been given based on whether the site is an appropriate candidate to be considered for allocation in the Neighbourhood Plan. The criteria are consistent across all sites and consistent with the government's Planning Practice Guidance. The traffic light rating indicates 'green' for sites that show no or minimal constraints and are therefore appropriate as site allocations, 'amber' for sites which are potentially suitable if constraints (ranging from the moderate to the severe) can be resolved and 'red' for sites which are not currently suitable - in other words, where 'show-stopping' constraints are considered to be significant or immovable enough to prevent development.

The judgement on each site is based on whether or not each site is **suitable** and **available**. In terms of the separate criterion of achievability, Section 4.1.1 below provides further detail on the concept of viability.

With more information from landowners/developers (for example, on precise developer intention), it is possible that some currently amber sites could be moved into the green category to give greater certainty on the shortlist of sites.

It is recommended that a 'buffer' of housing supply is provided, which may be one or two sites allocated as contingency housing sites. These could be developed if the allocated sites do not progress as expected.

4.1.1 Viability

This assessment has not considered the viability of sites for the development proposed. The Neighbourhood Plan should be able to demonstrate that the sites considered suitable and available are also financially viable to develop.

As part of the site selection process, it is recommended that CSPC discusses site viability with TWBC. Viability appraisals for individual sites may have already been carried out by landowners or other parties. If not, it may possible to use the Council's existing viability evidence base to test the viability of sites proposed for allocation in the Neighbourhood Plan. This can be done by 'matching' site typologies used in existing viability work with sites proposed by the Neighbourhood Plan to give an indication of whether a site is viable for development and therefore likely to be delivered. In addition, any landowner or developer promoting a site for development should be contacted to request their own evidence of viability.

However, valuations produced by a third party are not necessarily definitive or sufficiently independent. For this reason, AECOM are able to provide separate viability advice to CSPC if their application for support in this regard is successful.

³⁶ <https://www.gov.uk/guidance/neighbourhood-planning--2#key-stages-in-neighbourhood-planning> and <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>

Table 5 on the following page summarises the results of our assessment of suitability and availability for each of the sites in the parish that were subject to detailed assessment.

The conclusions are based on our professional experience and judgement of the appropriateness of each site, in planning terms, to be taken forward as allocations in the Neighbourhood Plan.

This summary should be read alongside the assessment table for the Interim SHELAA sites in **Appendix A** and the full set of site appraisal pro-formas for the 'standalone' sites in **Appendix B**.

Table 5: Summary of assessment of all sites in Cranbrook and Sissinghurst

Site ref	Location/description	Site area (ha) ³⁷	Current land use	Assessed dwelling yield ³⁸	Assessment of suitability for allocation	Summary of assessment rationale	For further details
25	Land to the west of Frythe Way and east of Freight Lane, Cranbrook	2.83	Agriculture	85-113	The site is appropriate for allocation The site has minor constraints (Amber)	No significant constraints to development identified; greatest is that the site would tend to result in car-based development as it would form an extension of an existing long cul-de-sac. The only alternative to this would be the development of a road circuit via site 396 and the 2016 Crane Valley allocation to the High Street but as site 396 is not considered suitable for development, this is not recommended. Site moderately located for services and facilities and impact on Grade II listed Pest House should be minimised.	See pages 57-58
54	Land on the east side of Mill Lane, Sissinghurst, TN17 2HX	0.86	Meadow	n/a	The site is not appropriate for allocation The site has a significant constraint (Red)	The site is zoned as a Grassland of Importance in the Kent County Council list of Priority Habitats. Though not protected statutorily, this is considered a significant constraint to developing the site. It is recommended, in line with NPPF paragraphs 109, 110, 117 and 118, that rather than being developed for housing, the landowner instead implements appropriate ecological or environmental enhancements, potentially as part of a planning agreement on another site. However, if factors such as housing demand weigh in favour of development, there could be, in line with national policy, potential as a last resort for offsetting, i.e. for the site to be developed and the habitat lost to be recreated on an alternative site. No other significant constraints; moderately located for access to community services and facilities.	See pages 59-60
68	Land at junction of Common Road and Frittenden Road, Sissinghurst	1.61	Agriculture	n/a	The site is not appropriate for allocation The site has a significant constraint (Red)	The site is zoned as a Grassland of Importance in the Kent County Council list of Priority Habitats. Though not protected statutorily, this is considered a significant constraint to developing the site. It is recommended, in line with NPPF paragraphs 109, 110, 117 and 118, that rather than being developed for housing, the landowner instead implements appropriate ecological or environmental enhancements, potentially as part of a planning agreement on another site. However, if factors such as housing demand weigh in favour of development, there could be, in line with national policy, potential as a last resort for offsetting, i.e. for the site to be developed and the habitat lost to be	See pages 61-62

³⁷ AECOM measurement

³⁸ Where the site was assessed as not suitable for development within this assessment, the dwelling yield is given as 'n/a'. Where the dwelling yield is given as a range, this represents the lower (30 dph) and higher (40 dph) potential densities.

Site ref	Location/description	Site area (ha) ³⁷	Current land use	Assessed dwelling yield ³⁸	Assessment of suitability for allocation	Summary of assessment rationale	For further details
						recreated on an alternative site. Moderately located for access to community services and facilities; settings of three listed buildings close to site is a moderate constraint. Although site 68 does not directly adjoin the settlement boundary of Sissinghurst, as previously noted in section 2.6 above both TWBC and CSPC accept that it adjoins the settlement in de facto terms and is therefore suitable for assessment through this exercise.	
110	Land to the west of Co-operative, High Street, Cranbrook TN17 3DQ	0.46	Urban back land	n/a	The site is not appropriate for allocation The site has significant constraints (Red)	The site has no vehicular access other than a driveway to the car park and it is not possible to determine how the new access needed would be created without the demolition of existing buildings, some of which are in a Conservation Area (it is not suitable for a site's sole access by either car or foot to be through an existing car park). Additionally, the entire site is covered by a group Tree Preservation Order. Other considerations, including Conservation Area/listed buildings, are also constraints, albeit less significant than the lack of access and the group TPO.	See pages 63-64
119	Land adjacent to Angley Road, Cranbrook	1.31	Woodland	n/a	The site is not appropriate for allocation The site has a significant constraint (Red)	The site is wholly within Angley Wood Local Wildlife Site. Though not protected statutorily, this is considered a significant constraint to developing the site. It is recommended, in line with NPPF paragraphs 109, 110, 117 and 118, that rather than being developed for housing, the landowner instead implements appropriate ecological or environmental enhancements, potentially as part of a planning agreement on another site. However, if factors such as housing demand weigh in favour of development, there could be, in line with national policy, potential as a last resort for offsetting, i.e. for the site to be developed and the habitat lost to be recreated on an alternative site. The site's distance from services and facilities is another relatively significant issue, though a relatively less important constraint than the Local Wildlife Site.	See pages 65-66
129	Big Side Playing Field adjacent to Quaker Lane and Waterloo Road, Cranbrook	4.64	Playing field	n/a	The site is not appropriate for allocation The site has significant constraints (Red)	By far the most significant constraint for this site is the risk of actual or perceived coalescence between Cranbrook and Wilsley Green, which it is considered would be contrary to national planning policy. Other, lesser constraints, though still relatively significant, would be the need for re-provision of playing fields on a suitable site as per NPPF paragraph 74 and the potential impact of development on the setting of heritage assets, most notably the Grade I listed St Dunstan's Church. There is potential for mitigation of the coalescence issue if only the southern quarter of the site were to be developed, though even here,	See pages 67-68

Site ref	Location/description	Site area (ha) ³⁷	Current land use	Assessed dwelling yield ³⁸	Assessment of suitability for allocation	Summary of assessment rationale	For further details
						there is a risk of perceived coalescence, impact on the setting of heritage assets, and paragraph 74 would still apply.	
130	Cranbrook School Main Campus, Waterloo Road, Cranbrook TN17 3JD	16.07	Secondary school buildings and playing fields	Not possible to estimate precisely without an indicative or detailed masterplan; it is also not yet clear if it is housing or other land uses proposed. If housing, the sensitivity and complexity of the site suggests a limit of tens rather than hundreds of units seems appropriate.	The site is appropriate for allocation The site has significant constraints (Amber)	This is a large, complex site with constraints related mainly to heritage assets and town character due to the very large number of listed buildings within and adjacent to the site, including the working Union Smock Mill, which may restrict development in parts of the south of the site for operational as well as heritage reasons. However, this does not preclude limited and sensitive intensification or development in selected locations, guided by an appropriate masterplan responsive to the site's key requirements. Other than heritage and character, the site performs well in terms of brownfield development and access to services and facilities, though any development of playing fields would have to pass the NPPF paragraph 74 test.	See pages 69-71
131	Jaegers Field, Angley Road, Cranbrook	2.75	Playing field	25-34 (southernmost part of site only)	The southern quarter of the site is suitable for development with significant constraints (Amber); the northern three-quarters of the site is not suitable for development (Red)	The most significant constraint for development of the entire site is the risk of actual or perceived coalescence between Cranbrook and Wilsley Green, which it is considered would be contrary to national planning policy. However, development of the southern quarter of the site only, if sensitively designed to minimise the risk and perception of coalescence, could be suitable. The requirement for re-provision of playing fields on a suitable site as per NPPF paragraph 74 would still apply. The separation between Cranbrook and Wilsley Green at this location is narrow already and potential to mitigate this constraint as part of any development should be explored.	See pages 72-73
132	Rammell Field, Bakers Cross, Cranbrook	1.69	Playing field	n/a	The site is not appropriate for allocation The site has a significant constraint (Red)	Though there are criteria that would support development of the site, including its proximity to services and facilities and accessibility, the single immovable constraint for this site is the contribution it has been assessed as making to the character of the Cranbrook Conservation Area through its use as open space. As this would be irrevocably lost by any form of development, no matter how sympathetic to the surrounding historic environment, the site is unsuitable for allocation as it would fail	See pages 74-75

Site ref	Location/description	Site area (ha) ³⁷	Current land use	Assessed dwelling yield ³⁸	Assessment of suitability for allocation	Summary of assessment rationale	For further details
						to protect or enhance the Conservation Area as required by planning law.	
133	Land adjoining Cranbrook Primary School, Quaker Lane, Cranbrook (A)	4.21	Playing field and agriculture	(southern half of site only)- 50-67 dwellings	The southern half of the site is suitable for development with significant constraints (Amber); the northern half of the site is not suitable for development (Red)	The most significant constraint for this site is the risk of actual or perceived coalescence between Cranbrook and Wilsley Green and its conservation area, which it is considered would be contrary to national planning policy. Additionally, the northern half of the site is designated as Grassland of Importance in the Kent County Council Priority Habitats 2012 dataset. Both of these factors make the northern half of the site unsuitable for development. The southern half of the site could be developed with significant constraints: firstly, the requirement for sensitive design to mitigate any actual or perceived coalescence between the two settlements, including retention of the existing hedge as a defensible boundary; secondly, the need for re-provision of playing fields on a suitable site as per NPPF paragraph 74; and thirdly, though they are not specifically protected by national or local planning policy, the local policy approach to development of allotments is that opportunities should be explored for re-provision of allotments in the locality	See pages 76-78
157	The Tanyard Woodyard, The Tanyard, Cranbrook TN17 3HU	0.22	Urban back land	7-9 dwellings	The site is appropriate for allocation (Green) The site has minor constraints	It would be relatively easy to provide vehicular access to the site; though it would be at the end of a long cul-de-sac, it benefits from direct pedestrian and cycle connections to services and facilities within the town centre and the small size of the site would reduce traffic impact; there is a fairly steep slope on the site that would need to be mitigated through appropriate housing design and layout, which would also seek to respond to the adjoining conservation area and nearby listed buildings.	See pages 79-82
159	Land south of The Street, Sissinghurst	0.55	Agriculture	16-22 dwellings	The site is suitable for development (Amber) The site has minor constraints	The site performs well on a number of criteria but access issues, which led an existing application to be withdrawn, need to be resolved. Additionally, design and layout, including in terms of visual impact/building heights, need to be sensitive to adjacent conservation area and listed building. Subject to satisfactory resolution of these issues, the site is very-well located in terms of services and facilities, visual and ecological impacts are limited relative to other Sissinghurst sites, and there is potential for development to enhance a community facility (Village Hall/St George's Institute).	See pages 83-84

Site ref	Location/description	Site area (ha) ³⁷	Current land use	Assessed dwelling yield ³⁸	Assessment of suitability for allocation	Summary of assessment rationale	For further details
269	Museum and land, Carriers Road, Cranbrook	0.16	Museum	Would need to be assessed by architect who specialises in historic buildings, but estimated at between 2-4 dwellings as conversion of existing building	The site is appropriate for allocation (Amber) The site has significant constraints	The site is suitable for redevelopment for housing uses subject to significant heritage constraints, which would entail no additional buildings within the existing curtilage and sensitive redevelopment of the existing building without any material changes to its external appearance, in line with the duty to protect and enhance conservation areas. Additionally, NPPF paragraphs 28 and 70 indicate that any redevelopment without re-provision of the museum, which is an important community facility, in a suitable alternative location, would not be permitted	See pages 83-84
385	The Providence Chapel, Stone Street, Cranbrook	0.03	Unused chapel	Would need to be assessed by architect who specialises in historic buildings, but estimated at between 1-2 dwellings as conversion of existing building	The site is appropriate for allocation (Amber) The site has significant constraints	The site is suitable for development subject to sensitive redevelopment of the existing listed building without any material changes to its external appearance, in line with the duty to protect and enhance conservation areas. As the Chapel is disused, there would be no loss of a community facility and the location in terms of access to community services and facilities is outstanding. Minimisation of impact on nearby underground Victorian culverts should be considered in any redevelopment.	See pages 85-89
396	Land West of Freight Lane, Cranbrook	6.71	Agriculture	n/a	The site is not appropriate for allocation The site has a significant constraint (Red)	The site is not suitable for development on landscape grounds. It is prominent within the high-quality landscape of the rural Crane Valley which forms a green wedge into Cranbrook at this point, adding significantly to local character and forming an important feature of local distinctiveness. The loss of open land in this location could not be mitigated and the site includes ancient woodland. The fact that the landscape and woodland in question is part of an AONB adds to the strong case for not developing the site. The cumulative visual impact of development following allocation of AL/CR4 on the other side of the valley would also be substantial. Added to this, accessibility would be another significant constraint, exacerbated by the fact that mitigation could entail a link across the Crane Valley via AL/CR4 to the High Street, which would have further significant visual impacts on the valley landscape.	See pages 90-94
407	Land at Brooksdan, High Street, Cranbrook	0.41	Back garden of veterinary hospital	5-8 dwellings (developable area reduced due to mature trees in a conservation area,	The site is appropriate for allocation (Amber) The site has	The site is a large back garden within a conservation area that has no impact on listed buildings but has a number of mature trees; development should seek to ensure no net loss of trees. Other than this consideration, the site has few constraints; it is highly accessible for services and facilities and the visual impact of development would be	See pages 95-99

Site ref	Location/description	Site area (ha) ³⁷	Current land use	Assessed dwelling yield ³⁸	Assessment of suitability for allocation	Summary of assessment rationale	For further details
				and assumption that existing building will remain in use as a veterinary hospital)	minor constraints	very limited. Visual inspection reveals an existing derelict property that could have heritage value when restored, and development could have potential for restoration of this property as 1-2 dwellings.	
409	The High Weald Academy, Angley Road, Cranbrook	1.70	Secondary school	Difficult to ascertain without clearer understanding of developer's intention and/or detailed masterplanning, but were site to be developed entirely for housing and school re-provided elsewhere, then between 46-61 dwellings.	The site is appropriate for allocation (Amber) The site has minor constraints	The site could have potential for housing but without clearer evidence of developer intention and/or a masterplan, it is difficult to comment in detail. If the site were to be developed for uses other than a school, the school would need to be re-provided on a suitable alternative site. Additionally, redevelopment of playing fields would need to pass the NPPF para 74 test. The site is not particularly accessible by foot to community services and facilities in Cranbrook town centre.	See pages 100-104
430	Turnden Farm, Hartley Road, Cranbrook	27.64	Farm and surrounding agricultural land	Difficult to ascertain without clearer understanding of developer's intention and/or detailed masterplanning. What is clear is that redevelopment of the entire site is not proposed, which would in any case fail the test of suitability. Based on the footprint of existing buildings and the heritage constraints of the listed farmhouse, it is estimated that the indicative range of dwellings the site	The site is appropriate for allocation (Amber) The site has significant constraints	Due to the potential risk of perceived or actual coalescence between Cranbrook and Hartley, only a small proportion of the site should be developed; it is understood that this proportion would be in or around the existing footprint of farm buildings in the centre of the site. If this is the case, development would need to be sensitive in terms of respecting the setting of the Grade II listed Turnden Farmhouse. The site is very poorly located in terms of walking distance to services and facilities and will as a result be mainly car-based, but this is to an extent mitigated by the site's assumed limited capacity and the benefits of redeveloping/intensifying existing underused buildings.	See pages 105-111

Site ref	Location/description	Site area (ha) ³⁷	Current land use	Assessed dwelling yield ³⁸	Assessment of suitability for allocation	Summary of assessment rationale	For further details
				could accommodate would be around 30-50, probably as residential-led mixed use development.			
442	Land Adjacent Orchard Cottage, Frittenden Road, Sissinghurst	0.42	Garden land	n/a	The site is not appropriate for allocation The site has a significant constraint (Red)	The site is considered not suitable for development because it is zoned as a BAP Priority Habitat for its value as a traditional apple orchard, and as a result it is likely to be of high ecological value. Despite the fact that the site performs relatively well on other criteria, such as accessibility to services and facilities, it is not considered that this constraint could be mitigated. Although site 442 does not directly adjoin the settlement boundary of Sissinghurst, as previously noted in section 2.6 above both TWBC and CSPC accept that it adjoins the settlement in de facto terms and is therefore suitable for assessment through this exercise.	See pages 112-116
TOTAL ESTIMATED CAPACITY				317-420 dwellings ³⁹			

³⁹ For estimation purposes, both the higher and lower dwelling figures have assumed a capacity of approximately 50 dwellings at Site 130 (Cranbrook School)

4.1.2 Next steps

This report has shown the sites which are suitable and available to allocate in the Neighbourhood Plan (subject to considerations of viability and masterplanning constraints), alongside those sites which are potentially appropriate but have issues that need to be resolved.

Some of the sites in the amber category may need further advice or assessment not possible to address through this high level assessment. Such advice could be commissioned through specialist consultants or in conjunction with relevant officers at TWBC and Kent County Council (e.g. highways, education, waste, infrastructure) to allow them to be moved into either the green or red categories.

Once the pool of sites in the green category has been finalised, this provides a shortlist from which the proposed allocations can be selected. These should be the sites that best meet the aims and objectives of the Neighbourhood Plan. The criteria that are used to select the sites should be clearly recorded and made available as evidence to support the plan.

Subsequent to AECOM's assessment, the Parish Council has advised that, notwithstanding the difficulties in terms of national and local planning policy of allocating sites away from existing settlement boundaries, they are engaging with TWBC to understand the potential, if any, of the following additional SHELAA sites:

- 59,70,122,188,323 and 345 at Hartley;
- 325 (land adjacent to Colliers Green Primary School); and
- 92 at Tilsden, including a potential southward expansion of the site to cover the rest of the farm.

Appendix A : Completion of TWBC Interim SHELAA assessment

Site 25: Land to the west of Frythe Way and east of Freight Lane, Cranbrook

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	Greenfield/brownfield assessment: Greenfield (Red) Site planning history: No relevant history (Green)
Accessibility	Broadly accurate, but could add that development would be further extension of existing long cul-de-sac (the layout of the Frythe Estate is poor as it encourages car movements and discourages pedestrian movements), which has the potential to make the site more car-based development, and will increase traffic at existing busy junction of Frythe Way and Bakers Cross	With additional text to left, Amber
Environmental considerations	Broadly accurate, but would be more accurate to state 'trees cover half the site' rather than 'there are trees on the boundary edges of the site'.	Policy/environmental designations: AONB, Impact Risk Zone for Robin's Wood SSSI (Amber) Ecological assessment: Recommended as part of any planning application (Amber) Landscape and visual impact: Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011). Agricultural land assessment: Grade 3 (Amber)
Heritage considerations	The Grade II Pest House is not mentioned	Details of heritage designations/assets: Potential to be within setting of Grade II listed The Pest House (Amber)
Community facilities and services	No TWBC text on topic	Proximity to community facilities and services: 726 metres walking distance- moderately located (Amber)

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Other key considerations

Broadly accurate, but extent of tree cover indicates the site could have some ecological value

Existing social, community or amenity value:

Some visual amenity value as site is countryside within AONB, but site is not accessible to public (**Amber**)

Characteristics

Information is considered accurate as far as it goes

Coalescence impact: None (**Green**)

Impact on size/character of settlement: Limited (**Green**)

Availability

Site is considered to be available for development

n/a

Summary

No TWBC text on topic

Conclusions:

The site is appropriate for allocation

The site has minor constraints (**Amber**)

Potential housing capacity: 85-113 dwellings

Key evidence for decision:

No significant constraints to development identified; greatest is that the site would tend to result in car-based development as it would form an extension of an existing long cul-de-sac. The only alternative to this would be the development of a road circuit via site 396 and the 2016 Crane Valley allocation to the High Street but as site 396 is not considered suitable for development, this is not recommended. Site moderately located for services and facilities and impact on Grade II listed Pest House should be minimised.

Site 54: Land on the east side of Mill Lane, Sissinghurst, TN17 2HX

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	Greenfield/brownfield assessment: Greenfield (Red) Site planning history: No relevant history (Green)
Accessibility	Information is considered accurate, but would be useful to add that access to village centre is indirect for pedestrians unless there is potential to use footpath to north of site that links to Cleavers	With additional text to left, Amber
Environmental considerations	Information is accurate as far as it goes but is incomplete	Policy/environmental designations: Zoned as Grassland of Importance in the Kent County Council Priority Habitats 2012 dataset (Red); within impact risk zone of Sissinghurst Park Wood SSSI (Amber) Ecological assessment: Likely of high ecological importance due to the Priority Habitats designation (Red) Landscape and visual impact: Within Local Character Area 7: Sissinghurst Wooded Farmland, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011). Agricultural land assessment: Grade 3 (Amber)
Heritage considerations	Information is considered accurate	Details of heritage designations/assets: None in immediate vicinity (Green)
Community facilities and services	No TWBC text on topic	Proximity to community facilities and services: 774 metres walking distance- moderately located (Amber)
Other key considerations	Information is accurate but incomplete as does not note ecological importance	Existing social, community or amenity value: Some visual amenity value as open land, but site is not accessible to public (Amber)

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Characteristics

Information is considered accurate as far as it goes

Coalescence impact: None (**Green**)
Impact on size/character of settlement: Limited (**Green**)

Availability

Site is considered to be available for development

n/a

Summary

No TWBC text on topic

Conclusions:

The site is not appropriate for allocation
The site has a significant constraint (**Red**)

Potential housing capacity: n/a

Key evidence for decision:

The site is zoned as a Grassland of Importance in the Kent County Council list of Priority Habitats. Though not protected statutorily, this is considered a significant constraint to developing the site. It is recommended, in line with NPPF paragraphs 109, 110, 117 and 118, that rather than being developed for housing, the landowner instead implements appropriate ecological or environmental enhancements, potentially as part of a planning agreement on another site. However, if factors such as housing demand weigh in favour of development, there could be, in line with national policy, potential as a last resort for offsetting, i.e. for the site to be developed and the habitat lost to be recreated on an alternative site.

No other significant constraints; moderately located for access to community services and facilities.

Site 68: Land at junction of Common Road and Frittenden Road, Sissinghurst

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	Greenfield/brownfield assessment: Greenfield (Red) Site planning history: No relevant history (Green)
Accessibility	Information is considered accurate	n/a
Environmental considerations	Information is accurate as far as it goes but is incomplete	<p>Policy/environmental designations: Zoned as Grassland of Importance in the Kent County Council Priority Habitats 2012 dataset (Red); within impact risk zone of Sissinghurst Park Wood SSSI (Amber)</p> <p>Ecological assessment: Likely of high ecological importance due to the Priority Habitats designation (Red)</p> <p>Landscape and visual impact: Within Local Character Area 7: Sissinghurst Wooded Farmland, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011).</p> <p>Agricultural land assessment: Grade 3 (Amber)</p>
Heritage considerations	Information is considered accurate	Details of heritage designations/assets: Site is within the setting of three assets: Grade II listed Carpenter's Corner, Grade II listed The Crossways and Grade II listed Mouse Hall (Amber)
Community facilities and services	No TWBC text on topic	Proximity to community facilities and services: 571 metres walking distance to centre of gravity for services and facilities- moderately located (Amber)
Other key considerations	Information is accurate but incomplete as does not note ecological importance	Existing social, community or amenity value: Some visual amenity value as open land, but site is not accessible to public (Amber)
Characteristics	Information is considered accurate as far as it goes	Coalescence impact: None (Green) Impact on size/character of settlement: Limited (Green)

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Availability

Site is considered to be available for development

n/a

Summary

No TWBC text on topic

Conclusions: The site is not appropriate for allocation
The site has a significant constraint (**Red**)

Potential housing capacity: n/a

Key evidence for decision:

The site is zoned as a Grassland of Importance in the Kent County Council list of Priority Habitats. Though not protected statutorily, this is considered a significant constraint to developing the site. It is recommended, in line with NPPF paragraphs 109, 110, 117 and 118, that rather than being developed for housing, the landowner instead implements appropriate ecological or environmental enhancements, potentially as part of a planning agreement on another site. However, if factors such as housing demand weigh in favour of development, there could be, in line with national policy, potential as a last resort for offsetting, i.e. for the site to be developed and the habitat lost to be recreated on an alternative site.

Moderately located for access to community services and facilities; settings of three listed buildings close to site is a moderate constraint.

Site 110: Land to the west of Co-operative, High Street, Cranbrook TN17 3DQ

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	Greenfield/brownfield assessment: Greenfield (Red) Site planning history: No relevant history (Green)
Accessibility	Information is considered accurate as far as it goes, but should be more specific, stating that although there is a driveway from the Co-Op car park to the site, access to a residential site via a retail car park only is not suitable and there seems therefore little potential for vehicular access to be created at present.	With additional text to left, Red
Environmental considerations	Information is considered accurate as far as it goes	Policy/environmental designations: AONB, Impact Risk Zone for Robin's Wood SSSI (Amber) Ecological assessment: Recommended as part of any planning application (Amber) Landscape and visual impact: Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011). Agricultural land assessment: Grade 3 (Amber)
Heritage considerations	Information is considered broadly accurate, but adjacent to three listed buildings, not one	Details of heritage designations/assets: Adjacent listed buildings are The Abbey, Webster House and Arnewood, all Grade II (Amber)
Community facilities and services	No TWBC text on topic	Proximity to community facilities and services: 428 metres walking distance-moderately located (Amber)
Other key considerations	Assessment does not reference the group tree preservation order covering the site	Tree preservation orders: Across entire site (Red) Existing social, community or amenity value: Severely limited due to inaccessibility but trees will have some visual amenity value adjacent to Conservation Area (Amber)

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Characteristics

Information is considered accurate as far as it goes

Coalescence impact: None (**Green**)
Impact on size/character of settlement: Limited (**Green**)

Availability

Site is considered to be available for development

n/a

Summary

No TWBC text on topic

Conclusions: The site is not appropriate for allocation
The site has significant constraints (**Red**)

Potential housing capacity: n/a

Key evidence for decision: The site has no vehicular access and it is not possible to determine how such access would be created without the demolition of existing buildings, some of which are in a Conservation Area (sites cannot be accessed through an existing car park). Additionally, the entire site is covered by a group Tree Preservation Order.

Other considerations, including Conservation Area/listed buildings, are also constraints, albeit less significant than the lack of access and the group TPO.

Site 119: Land adjacent to Angley Road, Cranbrook

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	Greenfield/brownfield assessment: Greenfield (Red) Site planning history: No relevant history (Green)
Accessibility	Information is considered accurate	n/a
Environmental considerations	Information is accurate as far as it goes but does not state that the site is wholly within a Local Wildlife Site	Policy/environmental designations: Wholly within Angley Wood Local Wildlife Site (Red); AONB, Impact Risk Zone for Robin's Wood SSSI (Amber) Ecological assessment: Likely of high ecological importance due to the Local Wildlife Site designation (Red) Landscape and visual impact: Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011). Agricultural land assessment: Grade 3 (Amber)
Heritage considerations	No TWBC text on topic	Details of heritage designations/assets: None in immediate vicinity (Green)
Community facilities and services	No TWBC text on topic	Proximity to community facilities and services: 982 metres walking distance- poorly located (Red)
Other key considerations	Information is considered accurate as far as it goes	Existing social, community or amenity value: Visual amenity of trees, but site is not accessible. Significant amenity value from being a Local Wildlife Site (Red)
Characteristics	Information is considered accurate as far as it goes	Coalescence impact: None (Green) Impact on size/character of settlement: Limited (Green)
Availability	Site is considered to be available for development	n/a

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Summary

No TWBC text on topic

Conclusions:

The site is not appropriate for allocation
The site has a significant constraint (**Red**)

Potential housing capacity: n/a

Key evidence for decision:

The site is wholly within Anglely Wood Local Wildlife Site. Though not protected statutorily, this is considered a significant constraint to developing the site. It is recommended, in line with NPPF paragraphs 109, 110, 117 and 118, that rather than being developed for housing, the landowner instead implements appropriate ecological or environmental enhancements, potentially as part of a planning agreement on another site. However, if factors such as housing demand weigh in favour of development, there could be, in line with national policy, potential as a last resort for offsetting, i.e. for the site to be developed and the habitat lost to be recreated on an alternative site.

The site's distance from services and facilities is another relatively significant issue, though a relatively less important constraint than the Local Wildlife Site.

Site 129: Big Side Playing Field adjacent to Quaker Lane and Waterloo Road, Cranbrook

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	Greenfield/brownfield assessment: Greenfield (Red) Site planning history: No relevant history (Green)
Accessibility	Information is considered accurate	n/a
Environmental considerations	Information is considered accurate as far as it goes	Policy/environmental designations: AONB, Impact Risk Zone for Robin's Wood SSSI (Amber) Ecological assessment: Recommended as part of any planning application (Amber) Landscape and visual impact: Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011). Agricultural land assessment: Grade 3 (Amber)
Heritage considerations	Some information presented, but does not mention setting of two listed buildings adjacent to site or setting of Grade I listed Church of St Dunstan further away	Details of heritage designations/assets: Site is adjacent to and within the settings of Bowling Green Cottage and across Quaker Lane from Courtstile The Island (both Grade II listed); site is on rising ground overlooking Grade I listed St Dunstan's Church, which could have impact on its setting (Amber)
Community facilities and services	No TWBC text on topic	Proximity to community facilities and services: 589 metres walking distance-moderately located (Amber)
Other key considerations	Information is considered accurate as far as it goes	Existing social, community or amenity value: The site is in use as a playing field for Cranbrook School (but with no public access). This means any development would have to pass the test of NPPF paragraph 74: namely, that existing playing fields [whether public or private] should not be developed for non-recreational use unless an assessment has been undertaken which has clearly shown the site to be surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Site will have also some visual amenity value as open land (Amber)

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Characteristics	Information is considered accurate as far as it goes	Coalescence impact: Development of the site would very likely result in actual or perceived coalescence between Cranbrook and the free-standing settlement of Wilsley Green and its conservation area. This would be contrary to NPPF paragraph 58, which seeks to ensure development responds to local character and history, and reflects the identity of local surroundings (Red) Impact on size/character of settlement: Significant impact on character of Cranbrook due to coalescence with Wilsley Green (Red)
Availability	Site is considered to be available for development	n/a
Summary	No TWBC text on topic	Conclusions: The site is not appropriate for allocation The site has significant constraints (Red) Potential housing capacity: n/a Key evidence for decision: By far the most significant constraint for this site is the risk of actual or perceived coalescence between Cranbrook and Wilsley Green, which it is considered would be contrary to national planning policy. Other, lesser constraints, though still relatively significant, would be the need for re-provision of playing fields on a suitable site as per NPPF paragraph 74 and the potential impact of development on the setting of heritage assets, most notably the Grade I listed St Dunstan's Church. There is potential for mitigation of the coalescence issue if only the southern quarter of the site were to be developed, though even here, there is a risk of perceived coalescence, impact on the setting of heritage assets, and paragraph 74 would still apply.

Site 130: Cranbrook School Main Campus, Waterloo Road, Cranbrook TN17 3JD

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	Greenfield/brownfield assessment: Mixed (Amber) Site planning history: Multiple applications relating to school use (Amber)
Accessibility	Information is considered accurate	n/a
Environmental considerations	Information is considered accurate as far as it goes	Policy/environmental designations: AONB, Impact Risk Zone for Robin's Wood SSSI (Amber) Ecological assessment: Recommended as part of any planning application (Amber) Landscape and visual impact: Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011). Agricultural land assessment: Grade 3 (Amber)
Heritage considerations	Information is considered accurate	Details of heritage designations/assets: More than seventy listed buildings and structures within and adjacent to site, as is Cranbrook Conservation Area; two of the neighbouring assets (St Dunstan's Church and Cranbrook Windmill) are Grade I listed; site is complex enough in heritage and planning terms for a more detailed masterplanning exercise to be required; though constraints are significant, they are not enough to preclude development entirely, depending on its form, layout and location within the site. The less sensitive parts of the site in heritage terms will be the north and east. Molen Biotoop ⁴⁰ assessment of key heritage asset of Cranbrook Windmill (in working use) suggests development should be restricted in its immediate vicinity for operational reasons (Amber)
Community facilities and services	No TWBC text on topic	Proximity to community facilities and services: 350 metres walking distance-favourably located (Green)

⁴⁰ Molen Biotoop is an assessment, originating from the Netherlands, of the impact of potential obstacles in the wind flow to working windmills. For further details refer to http://www.priorsflour.co.uk/wp-content/uploads/2017/08/Wind-Study-Fosters-Mill-Planning-Application-17_01208_OUM-Rev2.pdf.

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Other key considerations

Information is considered accurate as far as it goes

Existing social, community or amenity value: As a nationally-famous school, social, community and amenity value is very significant, but again this does not on its own preclude all development and it will depend on its form, layout and location within the site. Some of the site is in use as playing fields for (but with no public access). This means any development would have to pass the test of NPPF paragraph 74: namely, that existing playing fields [whether public or private] should not be developed for non-recreational use unless an assessment has been undertaken which has clearly shown the site to be surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Site will have also some visual amenity value as partly open land (**Amber**)

Characteristics

Information is considered accurate as far as it goes

Coalescence impact: None (**Green**)
Impact on size/character of settlement: Potentially significant as the School is an important element of Cranbrook's character, but this does not preclude development entirely if it is sensitively designed (**Amber**)

Availability

Site is considered to be available for development

n/a

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Summary

No TWBC text on topic

Conclusions:

The site is appropriate for allocation

The site has significant constraints (**Amber**)

Potential housing capacity: Not possible to estimate precisely without an indicative or detailed masterplan; it is also not yet clear if it is housing or other land uses proposed. If housing, the sensitivity and complexity of the site suggests a limit of tens rather than hundreds of units seems appropriate.

Key evidence for decision:

This is a large, complex site with constraints related mainly to heritage assets and town character due to the very large number of listed buildings within and adjacent to the site. However, this does not preclude limited and sensitive intensification or development, guided by an appropriate masterplan responsive to the site's key requirements. Other than heritage and character, the site performs well in terms of brownfield development and access to services and facilities, though any development of playing fields would have to pass the NPPF paragraph 74 test.

Site 131: Jaegers Field, Angley Road, Cranbrook

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	Greenfield/brownfield assessment: Greenfield (Red) Site planning history: No relevant history (Green)
Accessibility	Information is considered accurate	n/a
Environmental considerations	Information is considered accurate as far as it goes	Policy/environmental designations: AONB, Impact Risk Zone for Robin's Wood SSSI (Amber) Ecological assessment: Recommended as part of any planning application (Amber) Landscape and visual impact: Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011). Agricultural land assessment: Grade 3 (Amber)
Heritage considerations	Information is considered accurate	Details of heritage designations/assets: None in immediate vicinity (Green)
Community facilities and services	No TWBC text on topic	Proximity to community facilities and services: 628 metres walking distance-moderately located (Amber)
Other key considerations	Information is considered accurate as far as it goes	Existing social, community or amenity value: The site is in use as a playing field for Cranbrook School (but with no public access). This means any development would have to pass the test of NPPF paragraph 74: namely, that existing playing fields [whether public or private] should not be developed for non-recreational use unless an assessment has been undertaken which has clearly shown the site to be surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Site will have also some visual amenity value as open land (Amber)

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Characteristics	Information is considered accurate as far as it goes	<p>Coalescence impact: Development of the entire site would very likely result in actual or perceived coalescence between Cranbrook and the free-standing settlement of Wilsley Green and its conservation area. This would be contrary to NPPF paragraph 58, which seeks to ensure development responds to local character and history, and reflects the identity of local surroundings (Red).</p> <p>However, a small development on the southernmost 25% of the site (extending no further north than the southern tip of the gardens of adjacent properties on Angley Road) could be acceptable in terms of coalescence, but could only be accessed if southern half of site 133 were also developed, so is conditional on development to east (Amber)</p> <p>Impact on size/character of settlement: Significant impact on character of Cranbrook due to coalescence with Wilsley Green if entire site were developed (Red); more limited impact (though still sensitive) if southernmost 25% only were developed (Amber)</p>
Availability	Site is considered to be available for development	n/a
Summary	No TWBC text on topic	<p>The site is appropriate for partial allocation only with significant constraints (Amber)</p> <p>Potential housing capacity: 25-34 dwellings</p> <p>Key evidence for decision: The most significant constraint for development of the entire site is the risk of actual or perceived coalescence between Cranbrook and Wilsley Green, which it is considered would be contrary to national planning policy. However, development of the southern quarter of the site only, if sensitively designed to minimise the risk and perception of coalescence, could be suitable. The requirement for re-provision of playing fields on a suitable site as per NPPF paragraph 74 would still apply. The separation between Cranbrook and Wilsley Green at this location is narrow already and potential to mitigate this constraint as part of any development should be explored.</p>

Site 132: Rammell Field, Bakers Cross, Cranbrook

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	Greenfield/brownfield assessment: Greenfield (Red) Site planning history: Unsuccessful attempt to be registered as a village green (2012)-12/00064/COUNTY (Green)
Accessibility	Information is considered accurate	n/a
Environmental considerations	Information is considered accurate as far as it goes	Policy/environmental designations: AONB, Impact Risk Zone for Robin's Wood SSSI (Amber) Ecological assessment: Recommended as part of any planning application (Amber) Landscape and visual impact: Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011). Agricultural land assessment: Grade 3 (Amber)
Heritage considerations	Information is considered accurate as far as it goes	Details of heritage designations/assets: Site adjacent to and within the setting of Little Bakers Cross and Rammell House (both Grade II listed) as well as within the setting of at least five individually listed terraced houses on the north side of Bakers Cross (all Grade 2); northern part of site is within Cranbrook Conservation Area. Cranbrook Conservation Area Appraisal states that a rural feeling is retained in this part of the Conservation Area due to its use as open space. This would be irrevocably altered by any form of development on the site, and as such would neither preserve nor enhance the character of the conservation area as required by planning law. As such, the site is unsuitable for development on this criterion (Red)
Community facilities and services	No assessment	Proximity to community facilities and services: 530 metres walking distance-moderately located (Amber)

Site Assessment
Proforma broad topic area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Other key considerations	Information is considered accurate as far as it goes	<p>Existing social, community or amenity value: The site is in use as a playing field for Cranbrook School (but with no public access). This means any development would have to pass the test of NPPF paragraph 74: namely, that existing playing fields [whether public or private] should not be developed for non-recreational use unless an assessment has been undertaken which has clearly shown the site to be surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.</p> <p>The site also has significant social and community value as an informal/unofficial village green; it is used for town fetes 2-3 times per year. The site will also have significant visual amenity value as open space within a Conservation Area (Red)</p>
Characteristics	Information is considered accurate as far as it goes	<p>Coalescence impact: None (Green)</p> <p>Impact on size/character of settlement: Limited (Green)</p>
Availability	Site is considered to be available for development	<p>CSPC inquired as to whether or not there was any kind of covenant on the site as it was originally developed for playing field use as a war memorial. Landowner (Cranbrook School) advises that no covenant of any kind applies, and that the war memorial designation is by convention only. (Green)</p>
Summary	No TWBC text on topic	<p>Conclusions: The site is not appropriate for allocation The site has a significant constraint (Red)</p> <p>Potential housing capacity: n/a</p> <p>Key evidence for decision: Though there are criteria that would support development of the site, including its proximity to services and facilities and accessibility, the single immovable constraint for this site is the contribution it has been assessed as making to the character of the Cranbrook Conservation Area through its use as open space. As this would be irrevocably lost by any form of development, no matter how sympathetic to the surrounding historic environment, the site is unsuitable for allocation as it would fail to protect or enhance the Conservation Area as required by planning law.</p>

Site 133: Land adjoining Cranbrook Primary School, Quaker Lane, Cranbrook (A)

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	<p>Greenfield/brownfield assessment: Mixed (Amber)</p> <p>Site planning history: 09/00977/KCCOU3 – 40 extra care apartments for older people (2009), but withdrawn for reasons not related to planning policy. Unsuccessful attempt to be registered as a village green (2010), 10/03097/COUNTY/CT2. The Library is part of an existing 2016 TWBC allocation (AL/CR2) and as such does not require allocation in the neighbourhood plan- therefore, the remainder of this assessment excludes the Library part of the site from consideration (Green)</p>
Accessibility	Information is considered accurate	n/a
Environmental considerations	Information is considered accurate as far as it goes	<p>Policy/environmental designations: AONB, Impact Risk Zone for Robin's Wood SSSI (Amber); northern half zoned as Grassland of Importance in the Kent County Council Priority Habitats 2012 dataset (Red)</p> <p>Ecological assessment: Recommended as part of any planning application (Amber)</p> <p>Landscape and visual impact: Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011).</p> <p>Agricultural land assessment: Grade 3 (Amber)</p>
Heritage considerations	TWBC text states partly within the Conservation Area- this is not correct, it is adjacent to it	<p>Details of heritage designations/assets: Adjacent to Cranbrook Conservation Area and within setting of Grade II listed Bowling Green Cottage (Amber)</p>
Community facilities and services	No TWBC text on topic	<p>Proximity to community facilities and services: 537 metres walking distance- moderately located (Amber)</p>

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Other key considerations

Information is considered accurate as far as it goes

Existing social, community or amenity value: The south-eastern part of the site is in use as a playing field for Cranbrook Primary School. This means any development would have to pass the test of NPPF paragraph 74: namely, that existing playing fields should not be developed for non-recreational use unless an assessment has been undertaken which has clearly shown the site to be surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Additionally, the south-western part of the site has significant social, community and amenity value as public allotments.

Characteristics

Information is considered accurate as far as it goes

Coalescence impact: Development of the site, in particular its northern half, would very likely result in actual or perceived coalescence between Cranbrook and the free-standing settlement of Wilsley Green and its conservation area. This would be contrary to NPPF paragraph 58, which seeks to ensure development responds to local character and history, and reflects the identity of local surroundings. This could be mitigated by development extending no further north than the property boundary of Cranbrook Primary School, which is considered a logical defensible boundary to development if the hedge is retained (**Red** for development of whole site, **Amber** for development of southern half only)

Impact on size/character of settlement: If whole site is developed, significant impact on character of Cranbrook due to coalescence with Wilsley Green (**Red**); if southern half of site only is developed, the impact will be significantly less but sensitive design would be needed to minimise any perception of coalescence (**Amber**)

Availability

Site is considered to be available for development

n/a

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Summary

No TWBC text on topic

Conclusions: The southern half of the site is suitable for development with significant constraints (**Amber**); the northern half of the site is not suitable for development (**Red**)

Potential housing capacity: (southern half of site only)- 50-67 dwellings

Key evidence for decision: The most significant constraint for this site is the risk of actual or perceived coalescence between Cranbrook and Wilsley Green and its conservation area, which it is considered would be contrary to national planning policy. Additionally, the northern half of the site is designated as Grassland of Importance in the Kent County Council Priority Habitats 2012 dataset. Both of these factors make the northern half of the site unsuitable for development. The southern half of the site could be developed with significant constraints: firstly, the requirement for sensitive design to mitigate any actual or perceived coalescence between the two settlements, including retention of the existing hedge as a defensible boundary; secondly, the need for re-provision of playing fields on a suitable site as per NPPF paragraph 74; and thirdly, though they are not specifically protected by national or local planning policy, the local policy approach to development of allotments is that opportunities should be explored for re-provision of allotments in the locality⁴¹

⁴¹ For example, see Site Allocations Local Plan policy AL/GB 3- though not a site within Cranbrook and Sissinghurst Parish, this is a relevant policy precedent.

Site 157: The Tanyard Woodyard, The Tanyard, Cranbrook TN17 3HU

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	Greenfield/brownfield assessment: Mixed (Amber) Site planning history: None relevant (Green)
Accessibility	Information is considered broadly accurate, but TWBC text does not mention potential for new access to be created from either St Dunstan's Walk, Dobells, or both; however, as per Site 25, this would increase car movements down a long cul-de-sac formed by Brickendon Road/Frythe Way	With additional text to left, Amber
Environmental considerations	Information is considered accurate as far as it goes	Policy/environmental designations: AONB, Impact Risk Zone for Robin's Wood SSSI (Amber) Ecological assessment: Recommended as part of any planning application (Amber) Landscape and visual impact: Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011). Agricultural land assessment: Grade 3 (Amber)
Heritage considerations	Information is considered accurate as far as it goes	Details of heritage designations/assets: Site adjoins Conservation Area and is within setting of three Grade II listed buildings: Cranbrook Cottage, and 1 and 2 The Tanyard. (Amber)
Community facilities and services	No TWBC text on topic	Proximity to community facilities and services: 272 metres walking distance-favourably located (Green)
Other key considerations	Information is considered accurate as far as it goes	Existing social, community or amenity value: Will have a degree of visual amenity as open land within attractive Crane Valley; however, limited due to lack of public access and overgrown/derelict character of parts of site (Green)

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Characteristics

TWBC text states that site is flat; in fact it slopes relatively steeply into the Crane Valley

Topography: Steep slope (**Red**)
Coalescence impact: None (**Green**)
Impact on size/character of settlement: Limited (**Green**)

Availability

Site is considered to be available for development

Green

Summary

No TWBC text on topic

Conclusions:

The site is appropriate for allocation (**Green**)
The site has minor constraints

Potential housing capacity: 7-9 dwellings

Key evidence for decision:

It would be relatively easy to provide vehicular access to the site; though it would be at the end of a long cul-de-sac, it benefits from direct pedestrian and cycle connections to services and facilities within the town centre and the small size of the site would reduce traffic impact; there is a fairly steep slope on the site that would need to be mitigated through appropriate housing design and layout, which would also seek to respond to the adjoining conservation area and nearby listed buildings.

Site 159: Land south of The Street, Sissinghurst

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	Greenfield/brownfield assessment: Greenfield (Red) Site planning history: 17/02976/FULL – Demolition of existing detached double garage; provision of new access; erection of 9no. dwellings and car lodges; and erection of garage with office over. Application withdrawn (Amber)
Accessibility	Information is considered accurate	CSPC advise that the planning application was withdrawn for access reasons
Environmental considerations	Information is considered accurate as far as it goes	Policy/environmental designations: Within impact risk zone of Sissinghurst Park Wood SSSI (Amber) Ecological assessment: Recommended as part of any planning application (Amber) Landscape and visual impact: Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011). Agricultural land assessment: Grade 3 (Amber)
Heritage considerations	Information is considered accurate as far as it goes	Details of heritage designations/assets: Adjacent to Sissinghurst conservation area; within the setting of adjacent listed property (Alpine Cottages Antique Milk Shop, Grade II listed).
Community facilities and services	No TWBC text on topic	Proximity to community facilities and services: 159 metres walking distance-favourably located (Green)
Other key considerations	Information is considered accurate as far as it goes	Existing social, community or amenity value: Site has no public access, and is not visible from main road- therefore, social, community and amenity value are all limited. However, depending on landowner intention/willingness in terms of creating access, development of site could have potential for re-provision of adjacent St George's Institute (Sissinghurst Village Hall) which CSPC advise requires redevelopment in any case (Green)
Characteristics	Information is considered accurate as far as it goes	Coalescence impact: None (Green) Impact on size/character of settlement: Limited (Green)

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Availability

Site is considered to be available for development

n/a

Summary

No TWBC text on topic

Conclusions:

The site is suitable for development (**Amber**)

The site has minor constraints

Potential housing capacity: 16-22 dwellings

Key evidence for decision:

The site performs well on a number of criteria but access issues, which led an existing application to be withdrawn, need to be resolved. Additionally, design and layout, including in terms of visual impact/building heights, need to be sensitive to adjacent conservation area and listed building. Subject to satisfactory resolution of these issues, the site is very-well located in terms of services and facilities, visual and ecological impacts are limited relative to other Sissinghurst sites, and there is potential for development to enhance a community facility (Village Hall/St George's Institute).

Site 269: Museum and land, Carriers Road, Cranbrook

Site Assessment Proforma broad topic area	AECOM assessment of TWBC text (if exists)	AECOM additions/amendments (if necessary)
General Information	Information is considered accurate	n/a
Context	No TWBC text on topic	Greenfield/brownfield assessment: Mixed (Amber) Site planning history: None relevant (Green)
Accessibility	Information is considered accurate	n/a
Environmental considerations	Information is considered accurate as far as it goes	Policy/environmental designations: AONB, Impact Risk Zone for Robin's Wood SSSI (Amber) Ecological assessment: Recommended as part of any planning application (Amber) Landscape and visual impact: Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011). Agricultural land assessment: Grade 3 (Amber)
Heritage considerations	Information is considered accurate as far as it goes	Details of heritage designations/assets: Museum building itself is listed (Grade II) and site is within Cranbrook Conservation Area. Site is also within setting of adjacent Grade II-listed The Moat. Building itself could be redeveloped sensitively for alternative use but without changing its external appearance. (Amber)
Community facilities and services	No TWBC text on topic	Proximity to community facilities and services: 174 metres walking distance- favourably located (Green)
Other key considerations	Information is considered accurate as far as it goes	Existing social, community or amenity value: The site has significant social, community and amenity value as a local museum in an attractive, listed building, within an attractively landscaped plot. Any redevelopment for alternative uses should ensure the museum can be re-provided elsewhere as part of the development. (Amber)
Characteristics	Information is considered accurate as far as it goes	Coalescence impact: None (Green) Impact on size/character of settlement: Limited (Green)
Availability	Site is considered to be available for development	n/a

Site Assessment
Proforma broad topic
area

AECOM assessment of TWBC text (if exists)

AECOM additions/amendments (if necessary)

Summary

No TWBC text on topic

Conclusions:

The site is appropriate for allocation (**Amber**)

The site has significant constraints

Potential housing capacity: Would need to be assessed by architect who specialises in historic buildings, but estimated at between 2-4 dwellings as conversion of existing building

Key evidence for decision:

The site is suitable for redevelopment for housing uses subject to significant heritage constraints, which would entail no additional buildings within the existing curtilage and sensitive redevelopment of the existing building without any material changes to its external appearance, in line with the duty to protect and enhance conservation areas. Additionally, NPPF paragraphs 28 and 70 indicate that any redevelopment without re-provision of the museum, which is an important community facility, in a suitable alternative location, would not be permitted.

Appendix B : Completed site appraisal pro-formas

Site Assessment Proforma

General information

Site Reference / name	385
Site Address (or brief description of broad location)	The Providence Chapel, Stone Street, Cranbrook
Current use	Disused chapel
Proposed use	Residential and/or other uses ⁴²
Gross area (Ha) Total area of the site in hectares	0.03
Method of site identification (e.g. proposed by landowner etc.)	SHELAA Call For Sites 2017

Context

Is the site: Greenfield: land (farmland, or open space, that has not previously been developed) Brownfield: Previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated infrastructure.	Greenfield	Brownfield	Mixture	Unknown
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Site planning history Have there been any previous applications for development on this land? What was the outcome?	No relevant planning history			

Suitability

Accessibility

Is the current access adequate for the proposed development? If not, is there potential for access to be provided?	Site consists of a disused building on a cul-de-sac accessible by car. Current access is adequate for proposed development.
Is the site accessible within its wider context? Provide details of site's connectivity	Site is in village centre of Cranbrook. Connectivity and access is excellent, and site is accessible by range of transport modes.

⁴² Unless explicitly stated in the information provided to AECOM, it has been assumed that all sites are being assessed for their potential for residential only. This does not preclude the possibility of residential-led mixed use on some or all of the allocated sites; the suitability of each site for a mix of uses can be tested in much more detail at masterplanning and viability stages.

Environmental Considerations

Questions	Assessment guidelines	Observations and comments
<p>Is the site within or adjacent to the following policy or environmental designations:</p> <ul style="list-style-type: none"> • Green Belt • Ancient Woodland • Area of Outstanding Natural Beauty (AONB) • National Park • European nature site (Special Area of Conservation or Special Protection Area) • SSSI Impact Risk Zone • Site of Importance for Nature Conservation • Site of Geological Importance • Flood Zones 2 or 3 	<p>Medium level of environmental impact</p>	<p>Within High Weald AONB</p> <p>Within impact risk zone of Robins Wood SSSI</p>
<p>Ecological value? Could the site be home to protected species such as bats, great crested newts, badgers etc.?</p>	<p>Unknown</p>	<p>It is recommended a full ecological assessment take place before any planning application</p>
<p>Landscape and Visual Impact</p> <p>Is the site low, medium or high sensitivity in terms of landscape and visual impact?</p> <p>Low sensitivity: site not visible or less visible from surrounding locations, existing landscape or townscape character is poor quality, existing features could be retained</p> <p>Medium sensitivity: development of the site would lead to a moderate impact on landscape or townscape character due to visibility from surrounding locations and/or impacts on the character of the location. (e.g. in built up area);</p> <p>High sensitivity: Development would be within an area of high quality landscape or townscape character, and/or would significantly detract from local character. Development would lead to the loss of important features of local distinctiveness- without the possibility of mitigation.</p>	<p>Low sensitivity</p>	<p>Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011).</p> <p>The Local Character Area is within the High Weald AONB. This area is particularly vulnerable to further pressures for development which has the potential to erode the area's essential rural character.</p> <p>However, in practice, site is centrally located and as such limited in terms of visual impact.</p>
<p>Agricultural Land Land classified as the best and most versatile agricultural land (Grades 1,2 or 3a)</p>	<p>No impact</p>	<p>Site and surroundings not in agricultural use</p>

Heritage considerations

Question	Assessment guidelines	Comments
<p>Is the site within or adjacent to one or more of the following heritage designations or assets?</p> <ul style="list-style-type: none"> • Conservation area • Scheduled monument • Registered Park and Garden • Registered Battlefield • Listed building • Known archaeology • Locally listed building 	High heritage impact	Site itself is Grade II* listed building in Cranbrook conservation area, within setting of multiple other heritage assets, most notably The Cottage, and four historic shop buildings (all Grade II listed). This does not preclude redevelopment, but it would have to be extremely sensitive.

Community facilities and services

Question	Assessment guidelines	Observations and comments
<p>Is the site, in general terms, close/accessible to local amenities such as (but not limited to):</p> <ul style="list-style-type: none"> • Town centre/local centre/shop • Employment location • Public transport • School(s) • Open space/recreation/ leisure facilities • Health facilities • Cycle route(s) <p>Where a site is poorly located if > 800m, moderately located if 400m to 800m, and favourably located if < 400m from 'centre of gravity' from services.</p>	Favourably located	115 metres from the centre of gravity for services and facilities at Cranbrook; as such, very favourably located and the best performing site on this criterion.

Other key considerations

Are there any Tree Preservation Orders on the site?	No		
Would development lead to the loss of habitats with the potential to support protected species, for example mature trees, woodland, hedgerows and waterbodies?	No	Though it is possible that the existing building could host bats, bat boxes or similar mitigation could be provided as part of redevelopment	
Public Right of Way	None		
Existing social, community or amenity value (provide details)	Low	Low because building is disused	
Is the site likely to be affected by any of the following?	Yes	No	Comments
Ground Contamination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Significant infrastructure crossing			Note the close proximity to underground

the site i.e. power lines/ pipe lines, or in close proximity to hazardous installations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Victorian culverts
---	-------------------------------------	--------------------------	--------------------

Characteristics

Characteristics which may affect development on the site:	Comments
Topography: Flat/ gentle slope/ steep gradient	Flat
Coalescence Development would result in neighbouring settlements merging into one another.	No
Scale and nature of development would be large enough to significantly change size and character of settlement	No
Any other comments?	

3.0. Availability

Assessing the suitability of the site will give an indication of whether the site has any constraints to development. It should consider aspects such as infrastructure, planning policy, local services, heritage and other considerations.

Availability

	Yes	No	Comments
Is the site available for sale or development (if known)? Please provide supporting evidence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Appears in Call for Sites 2017
Are there any known legal or ownership constraints such as unresolved multiple ownerships, ransom strips, covenants, tenancies, or operational requirements of landowners?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is there a known time frame for availability? 0-5 /6-10 / 11-15 years.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

4.0. Summary

Assessing the suitability of the site will give an indication of whether the site has any constraints to development. It should consider aspects such as infrastructure, planning policy, local services, heritage and other considerations.

Conclusions

Please tick a box

The site is appropriate for allocation	<input checked="" type="checkbox"/>
This site has minor constraints	<input type="checkbox"/>
The site has significant constraints	<input checked="" type="checkbox"/>
The site is not appropriate for allocation	<input type="checkbox"/>
Potential housing capacity	Would need to be assessed by architect who specialises in historic buildings, but estimated at between 1-2 dwellings as conversion of existing building
Key evidence for decision to accept or discount site.	The site is suitable for redevelopment for housing uses subject to sensitive redevelopment of the existing listed building without any material changes to its external appearance, in line with the duty to protect and enhance conservation areas. As the Chapel is disused, there would be no loss of a community facility and the location in terms of access to community services and facilities is outstanding. Minimisation of impact on nearby underground Victorian culverts should be considered in any redevelopment.

Site Assessment Proforma

General information

Site Reference / name	396
Site Address (or brief description of broad location)	Land West of Freight Lane, Cranbrook
Current use	Agriculture
Proposed use	Residential ⁴³
Gross area (Ha) Total area of the site in hectares	6.71
Method of site identification (e.g. proposed by landowner etc.)	SHELAA Call For Sites 2017

Context

Is the site: Greenfield: land (farmland, or open space, that has not previously been developed) Brownfield: Previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated infrastructure.	Greenfield	Brownfield	Mixture	Unknown
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Site planning history Have there been any previous applications for development on this land? What was the outcome?	No relevant planning history			

Suitability

Accessibility

Is the current access adequate for the proposed development? If not, is there potential for access to be provided?	Current access not adequate- Freight Lane is single-track unpaved country lane. Therefore no car access, but site is surrounded by and crossed by footpaths. Access could be provided through upgrade to Freight Lane or (more easily) through development of Land Adjacent to Crane Valley allocation, or development of site 25, but both of these would be sensitive on landscape and visual impact grounds.
Is the site accessible within its wider context? Provide details of site's connectivity	Current accessibility very poor. After development of one or more surrounding sites and/or Freight Lane upgrade, access would be much better, but still medium rather than good as travel between the site and Cranbrook village centre would not be particularly direct.

⁴³ Unless explicitly stated in the information provided to AECOM by CSPC, it has been assumed that all sites are being assessed for their potential for residential only.

Environmental Considerations

Questions	Assessment guidelines	Observations and comments
<p>Is the site within or adjacent to the following policy or environmental designations:</p> <ul style="list-style-type: none"> • Green Belt • Ancient Woodland • Area of Outstanding Natural Beauty (AONB) • National Park • European nature site (Special Area of Conservation or Special Protection Area) • SSSI Impact Risk Zone • Site of Importance for Nature Conservation • Site of Geological Importance • Flood Zones 2 or 3 	<p>High level of environmental impact</p>	<p>Northern quarter of site consists of ancient and semi-natural woodland</p> <p>Site is within High Weald AONB</p> <p>Site is within Impact Risk Zone of Robins Wood SSSI</p>
<p>Ecological value? Could the site be home to protected species such as bats, great crested newts, badgers etc.?</p>	<p>Unknown</p>	<p>It is recommended a full ecological assessment take place before any planning application; locally present ancient woodland could significantly increase chances that protected species are present</p>
<p>Landscape and Visual Impact</p> <p>Is the site low, medium or high sensitivity in terms of landscape and visual impact?</p> <p>Low sensitivity: site not visible or less visible from surrounding locations, existing landscape or townscape character is poor quality, existing features could be retained</p> <p>Medium sensitivity: development of the site would lead to a moderate impact on landscape or townscape character due to visibility from surrounding locations and/or impacts on the character of the location. (e.g. in built up area);</p> <p>High sensitivity: Development would be within an area of high quality landscape or townscape character, and/or would significantly detract from local character. Development would lead to the loss of important features of local distinctiveness- without the possibility of mitigation.</p>	<p>High sensitivity</p>	<p>Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011).</p> <p>The site is within the High Weald AONB. This area is particularly vulnerable to further pressures for development which has the potential to erode the area's essential rural character. Further development locations, amounts and styles should be controlled to prevent intrusion of built forms on the landscape. General low-density sprawl, that is out of character with the tight-knit character of the existing town, should not be permitted.</p> <p>Visual survey of the site reveals it is prominent within the high-quality landscape of the rural Crane Valley which forms a green wedge into Cranbrook at this point, adding significantly to local character and forming an important feature of local distinctiveness.</p>

<p>Agricultural Land Land classified as the best and most versatile agricultural land (Grades 1,2 or 3a)</p>	<p>Some impact</p>	<p>Grade 3 agricultural land- it is not clear from existing mapping if the site comprises Grade 3a (best and most versatile) or Grade 3b (other agricultural land). It is therefore recommended that a detailed assessment is carried out by the landowner ahead of any development.</p>
---	---------------------------	--

Heritage considerations

Question	Assessment guidelines	Comments
<p>Is the site within or adjacent to one or more of the following heritage designations or assets?</p> <ul style="list-style-type: none"> • Conservation area • Scheduled monument • Registered Park and Garden • Registered Battlefield • Listed building • Known archaeology • Locally listed building 	<p>Low heritage impact</p>	<p>Site not within or directly adjacent to any of the listed heritage designations or assets</p>

Community facilities and services

<p>Is the site, in general terms, close/accessible to local amenities such as (but not limited to):</p> <ul style="list-style-type: none"> • Town centre/local centre/shop • Employment location • Public transport • School(s) • Open space/recreation/ leisure facilities • Health facilities • Cycle route(s) <p>Where a site is poorly located if > 800m, moderately located if 400m to 800m, and favourably located if < 400m from 'centre of gravity' from services.</p>	<p>Poorly located</p>	<p>Observations and comments</p> <p>970 metres from the centre of gravity for services and facilities at Cranbrook; as such, poorly located for walking and cycling to services and facilities</p>
--	------------------------------	---

Other key considerations

<p>Are there any Tree Preservation Orders on the site?</p>	<p>No</p>	
<p>Would development lead to the loss of habitats with the potential to support protected species, for example mature trees, woodland, hedgerows and waterbodies?</p>	<p>Potential for loss</p>	<p>Due to the presence and proximity of ancient woodland; impacts on this should be mitigated by providing a ten-metre buffer between it and any new development</p>
<p>Public Right of Way</p>	<p>Many</p>	<p>Site surrounded by public footpaths</p>
<p>Existing social, community or amenity value (provide details)</p>	<p>High</p>	<p>Significant visual/community amenity value due to multiple footpaths surrounding site, and ancient woodland</p>

Is the site likely to be affected by any of the following?	Yes	No	Comments
Ground Contamination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Significant infrastructure crossing the site i.e. power lines/ pipe lines, or in close proximity to hazardous installations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Characteristics

Characteristics which may affect development on the site:	Comments
Topography: Flat/ gentle slope/ steep gradient	Gentle slope to north
Coalescence Development would result in neighbouring settlements merging into one another.	No
Scale and nature of development would be large enough to significantly change size and character of settlement	No
Any other comments?	

3.0. Availability

Assessing the suitability of the site will give an indication of whether the site has any constraints to development. It should consider aspects such as infrastructure, planning policy, local services, heritage and other considerations.

Availability

	Yes	No	Comments
Is the site available for sale or development (if known)? Please provide supporting evidence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Appears in Call for Sites 2017
Are there any known legal or ownership constraints such as unresolved multiple ownerships, ransom strips, covenants, tenancies, or operational requirements of landowners?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is there a known time frame for availability? 0-5 /6-10 / 11-15 years.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

4.0. Summary

Assessing the suitability of the site will give an indication of whether the site has any constraints to development. It should consider aspects such as infrastructure, planning policy, local services, heritage and other considerations.

Conclusions

Please tick a box

The site is appropriate for allocation	<input type="checkbox"/>
This site has minor constraints	<input type="checkbox"/>
The site has significant constraints	<input checked="" type="checkbox"/>
The site is not appropriate for allocation	<input checked="" type="checkbox"/>
Potential housing capacity	n/a
Key evidence for decision to accept or discount site.	The site is not suitable for development on landscape grounds. It is prominent within the high-quality landscape of the rural Crane Valley which forms a green wedge into Cranbrook at this point, adding significantly to local character and forming an important feature of local distinctiveness. The loss of open land in this location could not be mitigated and the site includes ancient woodland. The fact that the landscape and woodland in question is part of an AONB adds to the strong case for not developing the site. The cumulative visual impact of development following allocation of AL/CR4 on the other side of the valley would also be substantial. Added to this, accessibility would be another significant constraint, exacerbated by the fact that mitigation could entail a link across the Crane Valley via AL/CR4 to the High Street, which would have further significant visual impacts on the valley landscape.

Site Assessment Proforma

General information

Site Reference / name	407
Site Address (or brief description of broad location)	Land at Brooksdon, High Street, Cranbrook
Current use	Veterinary hospital
Proposed use	Residential ⁴⁴
Gross area (Ha) Total area of the site in hectares	0.41
Method of site identification (e.g. proposed by landowner etc.)	SHELAA Call For Sites 2017

Context

Is the site: Greenfield: land (farmland, or open space, that has not previously been developed) Brownfield: Previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated infrastructure.	Greenfield	Brownfield	Mixture	Unknown
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Site planning history Have there been any previous applications for development on this land? What was the outcome?	05/00333/FUL – Proposed stables/hay store for animal treatment – Application Permitted 10 th March 2005			

Suitability

Accessibility

Is the current access adequate for the proposed development? If not, is there potential for access to be provided?	Existing direct access onto High Street
Is the site accessible within its wider context? Provide details of site's connectivity	Site has excellent accessibility by a range of transport modes.

⁴⁴ Unless explicitly stated in the information provided to AECOM by CSPC, it has been assumed that all sites are being assessed for their potential for residential only.

Environmental Considerations

Questions	Assessment guidelines	Observations and comments
<p>Is the site within or adjacent to the following policy or environmental designations:</p> <ul style="list-style-type: none"> • Green Belt • Ancient Woodland • Area of Outstanding Natural Beauty (AONB) • National Park • European nature site (Special Area of Conservation or Special Protection Area) • SSSI Impact Risk Zone • Site of Importance for Nature Conservation • Site of Geological Importance • Flood Zones 2 or 3 	<p>Medium level of environmental impact</p>	<p>Site within High Weald AONB</p> <p>Site within Impact Risk Zone of Robins Wood SSSI</p>
<p>Ecological value? Could the site be home to protected species such as bats, great crested newts, badgers etc.?</p>	<p>Unknown</p>	<p>It is recommended a full ecological assessment take place before any planning application</p>
<p>Landscape and Visual Impact</p> <p>Is the site low, medium or high sensitivity in terms of landscape and visual impact?</p> <p>Low sensitivity: site not visible or less visible from surrounding locations, existing landscape or townscape character is poor quality, existing features could be retained</p> <p>Medium sensitivity: development of the site would lead to a moderate impact on landscape or townscape character due to visibility from surrounding locations and/or impacts on the character of the location. (e.g. in built up area);</p> <p>High sensitivity: Development would be within an area of high quality landscape or townscape character, and/or would significantly detract from local character. Development would lead to the loss of important features of local distinctiveness- without the possibility of mitigation.</p>	<p>Low sensitivity</p>	<p>Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011).</p> <p>The site is within the High Weald AONB. This area is particularly vulnerable to further pressures for development which has the potential to erode the area's essential rural character. Further development locations, amounts and styles should be controlled to prevent intrusion of built forms on the landscape. General low-density sprawl, that is out of character with the tight-knit character of the existing town, should not be permitted.</p> <p>However, in practice, the site is part of the existing built-up area of Cranbrook and in this sense is of low landscape sensitivity as long as new development does not significantly exceed the height of existing development.</p>
<p>Agricultural Land Land classified as the best and most versatile agricultural land (Grades 1,2 or 3a)</p>	<p>No impact</p>	<p>Site not in agricultural use</p>

Heritage considerations

Question	Assessment guidelines	Comments
<p>Is the site within or adjacent to one or more of the following heritage designations or assets?</p> <ul style="list-style-type: none"> • Conservation area • Scheduled monument • Registered Park and Garden • Registered Battlefield • Listed building • Known archaeology • Locally listed building 	<p>Medium heritage impact (conversion) High heritage impact (demolition)</p>	<p>Site within Cranbrook conservation area</p>

Community facilities and services

<p>Is the site, in general terms, close/accessible to local amenities such as (but not limited to):</p> <ul style="list-style-type: none"> • Town centre/local centre/shop • Employment location • Public transport • School(s) • Open space/recreation/ leisure facilities • Health facilities • Cycle route(s) <p>Where a site is poorly located if > 800m, moderately located if 400m to 800m, and favourably located if < 400m from 'centre of gravity' from services.</p>	<p>Moderately located</p>	<p>Observations and comments</p> <p>590 metres from the centre of gravity for services and facilities at Cranbrook; as such, moderately located</p>
--	---------------------------	--

Other key considerations

Are there any Tree Preservation Orders on the site?	No		
Would development lead to the loss of habitats with the potential to support protected species, for example mature trees, woodland, hedgerows and waterbodies?	Potentially	Yes- extensive mature trees in/around site (and there are restrictions on loss of trees in conservation areas)	
Public Right of Way	None		
Existing social, community or amenity value (provide details)	Low	Low because site is not publically accessible and largely screened by surrounding trees	
Is the site likely to be affected by any of the following?	Yes	No	Comments
Ground Contamination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Significant infrastructure crossing the site i.e. power lines/ pipe lines, or in close proximity to hazardous installations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
---	--------------------------	-------------------------------------	--

Characteristics

Characteristics which may affect development on the site:	Comments
Topography: Flat/ gentle slope/ steep gradient	Flat
Coalescence Development would result in neighbouring settlements merging into one another.	No
Scale and nature of development would be large enough to significantly change size and character of settlement	No
Any other comments?	

3.0. Availability

Assessing the suitability of the site will give an indication of whether the site has any constraints to development. It should consider aspects such as infrastructure, planning policy, local services, heritage and other considerations.

Availability

	Yes	No	Comments
Is the site available for sale or development (if known)? Please provide supporting evidence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Appears in Call for Sites 2017
Are there any known legal or ownership constraints such as unresolved multiple ownerships, ransom strips, covenants, tenancies, or operational requirements of landowners?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is there a known time frame for availability? 0-5 /6-10 / 11-15 years.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

4.0. Summary

Assessing the suitability of the site will give an indication of whether the site has any constraints to development. It should consider aspects such as infrastructure, planning policy, local services, heritage and other considerations.

Conclusions

Please tick a box	
The site is appropriate for allocation	<input checked="" type="checkbox"/>
This site has minor constraints	<input checked="" type="checkbox"/>
The site has significant constraints	<input type="checkbox"/>
The site is not appropriate for allocation	<input type="checkbox"/>
Potential housing capacity	5-8 dwellings (developable area reduced due to mature trees in a conservation area, and assumption that existing building will remain in use as a veterinary hospital)
Key evidence for decision to accept or discount site.	The site is a large back garden within a conservation area that has no impact on listed buildings but has a number of mature trees; development should seek to ensure no net loss of trees. Other than this consideration, the site has few constraints; it is highly accessible for services and facilities and the visual impact of development would be very limited. Visual inspection reveals an existing derelict property that could have heritage value when restored, and development could have potential for restoration of this property as 1-2 dwellings.

Site Assessment Proforma

General information

Site Reference / name	409
Site Address (or brief description of broad location)	The High Weald Academy, Angley Road, Cranbrook
Current use	Angley School buildings and tennis court
Proposed use	Residential (assumed) ⁴⁵
Gross area (Ha) Total area of the site in hectares	1.70
Method of site identification (e.g. proposed by landowner etc.)	SHELAA Call for Sites 2017

Context

Is the site: Greenfield: land (farmland, or open space, that has not previously been developed) Brownfield: Previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated infrastructure.	Greenfield	Brownfield	Mixture	Unknown
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Site planning history Have there been any previous applications for development on this land? What was the outcome?	17/02797/FULL – Demolition of existing school buildings and development of a new part two and part three storey school teaching block (5,040 sq. metres gross); relocation and extension of existing car park, landscaping and external works – Application Validated 26 th September 2017 – Awaiting Decision			

Suitability

Accessibility

Is the current access adequate for the proposed development? If not, is there potential for access to be provided?	Current access is adequate
Is the site accessible within its wider context? Provide details of site's connectivity	Site is located on the edge of existing built-up area, and along main A229 Angley Road- as such, is reasonably accessible, though likely less so by cycle and pedestrians

⁴⁵ Unless explicitly stated in the information provided to AECOM by CSPC, it has been assumed that all sites are being assessed for their potential for residential only.

Environmental Considerations

Questions	Assessment guidelines	Observations and comments
<p>Is the site within or adjacent to the following policy or environmental designations:</p> <ul style="list-style-type: none"> • Green Belt • Ancient Woodland • Area of Outstanding Natural Beauty (AONB) • National Park • European nature site (Special Area of Conservation or Special Protection Area) • SSSI Impact Risk Zone • Site of Importance for Nature Conservation • Site of Geological Importance • Flood Zones 2 or 3 	<p>Low level of environmental impact</p>	<p>Site within High Weald AONB</p> <p>Site within Impact Risk Zone of Robins Wood SSSI</p>
<p>Ecological value? Could the site be home to protected species such as bats, great crested newts, badgers etc.?</p>	<p>Unknown</p>	<p>It is recommended a full ecological assessment take place before any planning application</p>
<p>Landscape and Visual Impact</p> <p>Is the site low, medium or high sensitivity in terms of landscape and visual impact?</p> <p>Low sensitivity: site not visible or less visible from surrounding locations, existing landscape or townscape character is poor quality, existing features could be retained</p> <p>Medium sensitivity: development of the site would lead to a moderate impact on landscape or townscape character due to visibility from surrounding locations and/or impacts on the character of the location. (e.g. in built up area);</p> <p>High sensitivity: Development would be within an area of high quality landscape or townscape character, and/or would significantly detract from local character. Development would lead to the loss of important features of local distinctiveness- without the possibility of mitigation.</p>	<p>Medium sensitivity</p>	<p>Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011).</p> <p>The site is within the High Weald AONB. This area is particularly vulnerable to further pressures for development which has the potential to erode the area's essential rural character. Further development locations, amounts and styles should be controlled to prevent intrusion of built forms on the landscape. General low-density sprawl, that is out of character with the tight-knit character of the existing town, should not be permitted.</p> <p>However, in practice, the site is part of the existing built-up area of Cranbrook and in this sense is of low landscape sensitivity as long as new development does not significantly exceed the height of existing development.</p>

Agricultural Land Land classified as the best and most versatile agricultural land (Grades 1,2 or 3a)	No impact	Site not in agricultural use
---	------------------	------------------------------

Heritage considerations

Question	Assessment guidelines	Comments
<p>Is the site within or adjacent to one or more of the following heritage designations or assets?</p> <ul style="list-style-type: none"> • Conservation area • Scheduled monument • Registered Park and Garden • Registered Battlefield • Listed building • Known archaeology • Locally listed building 	Low heritage impact	Site not within or directly adjacent to any of the listed heritage designations or assets

Community facilities and services

<p>Is the site, in general terms, close/accessible to local amenities such as (but not limited to):</p> <ul style="list-style-type: none"> • Town centre/local centre/shop • Employment location • Public transport • School(s) • Open space/recreation/ leisure facilities • Health facilities • Cycle route(s) <p>Where a site is poorly located if > 800m, moderately located if 400m to 800m, and favourably located if < 400m from 'centre of gravity' from services.</p>	Poorly located	<p style="text-align: center;">Observations and comments</p> 910 metres from the centre of gravity for services and facilities at Cranbrook; as such, poorly located for walking and cycling to services and facilities
--	-----------------------	--

Other key considerations

Are there any Tree Preservation Orders on the site?	No	
Would development lead to the loss of habitats with the potential to support protected species, for example mature trees, woodland, hedgerows and waterbodies?	No	
Public Right of Way	None	

Existing social, community or amenity value (provide details)	High		High because existing school and associated school farm in active use, and these would require re-provision on an alternative site. Additionally, part of the site is in use as a playing field. This means any development would have to pass the test of NPPF paragraph 74: namely, that existing playing fields should not be developed for non-recreational use unless an assessment has been undertaken which has clearly shown the site to be surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
Is the site likely to be affected by any of the following?	Yes	No	Comments
Ground Contamination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Significant infrastructure crossing the site i.e. power lines/ pipe lines, or in close proximity to hazardous installations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Characteristics

Characteristics which may affect development on the site:	Comments
Topography: Flat/ gentle slope/ steep gradient	Flat
Coalescence Development would result in neighbouring settlements merging into one another.	No
Scale and nature of development would be large enough to significantly change size and character of settlement	No
Any other comments?	

3.0. Availability

Assessing the suitability of the site will give an indication of whether the site has any constraints to development. It should consider aspects such as infrastructure, planning policy, local services, heritage and other considerations.

Availability

	Yes	No	Comments
Is the site available for sale or development (if known)? Please provide supporting evidence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Appears in Call for Sites 2017

Are there any known legal or ownership constraints such as unresolved multiple ownerships, ransom strips, covenants, tenancies, or operational requirements of landowners?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is there a known time frame for availability? 0-5 /6-10 / 11-15 years.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

4.0. Summary

Assessing the suitability of the site will give an indication of whether the site has any constraints to development. It should consider aspects such as infrastructure, planning policy, local services, heritage and other considerations.

Conclusions

Please tick a box	
The site is appropriate for allocation	<input checked="" type="checkbox"/>
This site has minor constraints	<input type="checkbox"/>
The site has significant constraints	<input checked="" type="checkbox"/>
The site is not appropriate for allocation	<input type="checkbox"/>
Potential housing capacity	Difficult to ascertain without clearer understanding of developer's intention and/or detailed masterplanning, but were site to be developed entirely for housing and school re-provided elsewhere, then between 46-61 dwellings.
Key evidence for decision to accept or discount site.	The site could have potential for housing but without clearer evidence of developer intention and/or a masterplan, it is difficult to comment in detail. If the site were to be developed for uses other than a school, the school would need to be re-provided on a suitable alternative site. Additionally, redevelopment of playing fields would need to pass the NPPF para 74 test. The site is not particularly accessible by foot to community services and facilities in Cranbrook town centre.

Site Assessment Proforma

General information

Site Reference / name	430
Site Address (or brief description of broad location)	Turnden Farm, Hartley Road, Cranbrook
Current use	Agricultural land, stables, livery yard and farm buildings
Proposed use	Mix of countryside uses with residential-led mixed use
Gross area (Ha) Total area of the site in hectares	27.64
Method of site identification (e.g. proposed by landowner etc.)	SHELAA Call for Sites 2017

Context

Is the site:	Greenfield	Brownfield	Mixture	Unknown
<p>Greenfield: land (farmland, or open space, that has not previously been developed)</p> <p>Brownfield: Previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated infrastructure.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Site planning history Have there been any previous applications for development on this land? What was the outcome?</p>	<p>00/01391/FUL – Change of use from agricultural to business (B1) involving refurbishment, minor new building works and new drive – Application Refused 30th November 2000, reason: Proposed buildings would not be in scale with their rural setting, new access road would detract from the special character of this part of the High Weald Landscape and proposal would generate significant greater volume of traffic on a defined primary route without any proposed widening of the access.</p> <p>02/00924/FUL – Change of use from agricultural to B1 (excluding (a)) involving refurbishment, demolition of one building; new drive and access improvements – Application Refused 13th June 2002 – Appeal Dismissed, reason: Re-use of existing buildings would be more welcomed than the demolition of them and the access road would adversely affect the rural character and appearance of this part of the High Weald AONB and the setting of a listed building.</p> <p>04/00466/FULMJ – Change of use from agriculture to B1 Class (excluding (a) offices) including refurbishment, demolition of one building; new drive and access improvements – Application Refused 13th May 2004, reason – new access road would detract from the special rural character of this part of the High Weald Landscape and new access road would have an adverse impact on the setting of a nearby listed building.</p> <p>04/01982/FULMJ – Demolition of one shed and change of use of redundant chicken rearing sheds to: 1. Oak supplier's</p>			

	<p>store/workshop/office/domestic storage (Part Retrospective); 2. Commercial storage; 3. Drama meeting and rehearsal space and store; 4. New sewage treatment plant – Application Permitted 7th December 2004</p> <p>08/02616/FUL – Part retrospective – Change of use, conversion and redevelopment of farm buildings for use as a depository for wine for exhibition/tasting purposes with ancillary offices and glass washing facility, and access improvements – Application Permitted 3rd December 2008</p> <p>09/03645/FULMJ – Change of use from agriculture to use for equestrian activities and the provision of a staff office, toilet and kitchen block, quadrangle stable block, American barn, hay barn, sand school, associated parking and landscaping – Application Permitted 29th June 2010</p> <p>11/02794/FUL – Demolition of existing former chicken building and construction of an additional warehouse for wine storage – Application Permitted 24th May 2012</p>
--	---

Suitability

Accessibility

<p>Is the current access adequate for the proposed development? If not, is there potential for access to be provided?</p>	<p>Current access adequate for non-residential uses. For small quantum of new residential use, potential for new direct access to be provided from A229 Hartley Road.</p>
<p>Is the site accessible within its wider context? Provide details of site's connectivity</p>	<p>Site easily accessible by car once access off A229 provided, but remote from central part of Cranbrook, and development here would not encourage walking/cycling. Connectivity is thus poorer than for many other sites. However, bus services exist along A229 Hartley Road.</p>

Environmental Considerations

Questions	Assessment guidelines	Observations and comments
<p>Is the site within or adjacent to the following policy or environmental designations:</p> <ul style="list-style-type: none"> • Green Belt • Ancient Woodland • Area of Outstanding Natural Beauty (AONB) • National Park • European nature site (Special Area of Conservation or Special Protection Area) • SSSI Impact Risk Zone • Site of Importance for Nature Conservation • Site of Geological Importance • Flood Zones 2 or 3 	<p>High level of environmental impact</p>	<p>Site within High Weald AONB</p> <p>Ancient and semi-natural woodland along southern edge of the site</p> <p>Site within impact risk zone for Robins Wood SSSI</p>
<p>Ecological value? Could the site be home to protected species such as bats, great crested newts, badgers etc.?</p>	<p>Unknown but high probability</p>	<p>It is recommended a full ecological assessment take place before any planning application; local ancient woodland and extensive undeveloped rural land could significantly increase the chances of protected species being present</p>
<p>Landscape and Visual Impact</p> <p>Is the site low, medium or high sensitivity in terms of landscape and visual impact?</p> <p>Low sensitivity: site not visible or less visible from surrounding locations, existing landscape or townscape character is poor quality, existing features could be retained</p> <p>Medium sensitivity: development of the site would lead to a moderate impact on landscape or townscape character due to visibility from surrounding locations and/or impacts on the character of the location. (e.g. in built up area);</p> <p>High sensitivity: Development would be within an area of high quality landscape or townscape character, and/or would significantly detract from local character. Development would lead to the loss of important features of local distinctiveness- without the possibility of mitigation.</p>	<p>High sensitivity</p>	<p>Within Local Character Area 4: Cranbrook Fruit Belt, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011).</p> <p>The site is within the High Weald AONB. This area is particularly vulnerable to further pressures for development which has the potential to erode the area's essential rural character. Further development locations, amounts and styles should be controlled to prevent intrusion of built forms on the landscape. General low-density sprawl, which is out of character with the tight-knit character of the existing town, should not be permitted.</p>

<p>Agricultural Land Land classified as the best and most versatile agricultural land (Grades 1,2 or 3a)</p>	<p>Some impact</p>	<p>Grade 3 agricultural land- it is not clear from existing mapping if the site comprises Grade 3a (best and most versatile) or Grade 3b (other agricultural land). It is therefore recommended that a detailed assessment is carried out by the landowner ahead of any development.</p>
---	---------------------------	--

Heritage considerations

Question	Assessment guidelines	Comments
<p>Is the site within or adjacent to one or more of the following heritage designations or assets?</p> <ul style="list-style-type: none"> • Conservation area • Scheduled monument • Registered Park and Garden • Registered Battlefield • Listed building • Known archaeology • Locally listed building 	<p>High heritage impact</p>	<p>Site includes Grade II listed Turnden Farm; site likely also within setting of Grade II listed Hartley Gate Farmhouse to west.</p>

Community facilities and services

<p>Is the site, in general terms, close/accessible to local amenities such as (but not limited to):</p> <ul style="list-style-type: none"> • Town centre/local centre/shop • Employment location • Public transport • School(s) • Open space/recreation/ leisure facilities • Health facilities • Cycle route(s) <p>Where a site is poorly located if > 800m, moderately located if 400m to 800m, and favourably located if < 400m from 'centre of gravity' from services.</p>	<p>Poorly located</p>	<p>Observations and comments</p> <p>Centre of site is 1.5 kilometres from centre of gravity for services and facilities in Cranbrook</p>
--	------------------------------	---

Other key considerations

<p>Are there any Tree Preservation Orders on the site?</p>	<p>No</p>	
<p>Would development lead to the loss of habitats with the potential to support protected species, for example mature trees, woodland, hedgerows and waterbodies?</p>	<p>Some</p>	<p>Extensive mature trees and waterbodies within them across parts of the site, particularly west, centre and southern edge; these should be retained as part of any redevelopment</p>
<p>Public Right of Way</p>	<p>Yes</p>	<p>A public footpath crosses the western half of the site</p>

Existing social, community or amenity value (provide details)	Medium		The site has visual amenity as countryside as seen from the footpath crossing it; however, the former riding school/stables appear to have closed, limiting further amenity value
Is the site likely to be affected by any of the following?	Yes	No	Comments
Ground Contamination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Significant infrastructure crossing the site i.e. power lines/ pipe lines, or in close proximity to hazardous installations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Characteristics

Characteristics which may affect development on the site:	Comments
Topography: Flat/ gentle slope/ steep gradient	Flat
Coalescence Development would result in neighbouring settlements merging into one another.	Potential for perceived/actual coalescence between Cranbrook and Hartley if entire site were developed
Scale and nature of development would be large enough to significantly change size and character of settlement	Yes, if whole site (which is third of size of Cranbrook) were developed; only limited part of site should be considered to have development potential
Any other comments?	It is understood that current proposals accord in any case with the recommendations above that the majority of the site should be left undeveloped

3.0. Availability

Assessing the suitability of the site will give an indication of whether the site has any constraints to development. It should consider aspects such as infrastructure, planning policy, local services, heritage and other considerations.

Availability

	Yes	No	Comments
Is the site available for sale or development (if known)? Please provide supporting evidence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Appears in Call for Sites 2017. The Crane Valley Land Trust (CVLT) intends to promote this site with a grant from TWBC as a rural exception site for community development, with the possibility of re-instating a farmstead for mixed use on a bigger scale. CVLT hopes to meet with the new owners to look into the prospect of a joint venture and master plan on the affordable elements.

<p>Are there any known legal or ownership constraints such as unresolved multiple ownerships, ransom strips, covenants, tenancies, or operational requirements of landowners?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>Is there a known time frame for availability? 0-5 /6-10 / 11-15 years</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Subject to further dialogue between CVLT and new owners</p>

4.0. Summary

Assessing the suitability of the site will give an indication of whether the site has any constraints to development. It should consider aspects such as infrastructure, planning policy, local services, heritage and other considerations.

Conclusions

Please tick a box	
The site is appropriate for allocation	<input checked="" type="checkbox"/>
This site has minor constraints	<input type="checkbox"/>
The site has significant constraints	<input checked="" type="checkbox"/>
The site is not appropriate for allocation	<input type="checkbox"/>
Potential housing capacity	A concept masterplan has been prepared, which has guided our capacity assessment. Redevelopment of the entire site is not proposed, which would in any case fail the test of suitability. Based on the footprint of existing buildings and the heritage constraints of the listed farmhouse, it is estimated that the indicative range of dwellings the site could accommodate would be around 30-50. The site would in any case be more sustainable and suitable for residential-led mixed use, including for example community facilities and employment space, rather than residential alone.
Key evidence for decision to accept or discount site.	Due to the potential risk of perceived or actual coalescence between Cranbrook and Hartley, only a small proportion of the site should be developed; it is understood that this proportion would be in or around the existing footprint of farm buildings in the centre of the site. If this is the case, development would need to be sensitive in terms of respecting the setting of the Grade II listed Turnden Farmhouse. The site is very poorly located in terms of walking distance to services and facilities and will as a result be mainly car-based, but this is to an extent mitigated by the site's assumed limited capacity and the benefits of redeveloping/intensifying existing underused buildings.

Site Assessment Proforma

General information

Site Reference / name	442
Site Address (or brief description of broad location)	Land Adjacent to Orchard Cottage, Frittenden Road, Sissinghurst
Current use	Garden land
Proposed use	Residential ⁴⁶
Gross area (Ha) Total area of the site in hectares	0.42
Method of site identification (e.g. proposed by landowner etc.)	SHELAA Call for Sites 2017

Context

Is the site: Greenfield: land (farmland, or open space, that has not previously been developed) Brownfield: Previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated infrastructure.	Greenfield	Brownfield	Mixture	Unknown
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Site planning history Have there been any previous applications for development on this land? What was the outcome?	No relevant planning history			

Suitability

Accessibility

Is the current access adequate for the proposed development? If not, is there potential for access to be provided?	Site not currently accessible but potential for access to be provided from Frittenden Road.
Is the site accessible within its wider context? Provide details of site's connectivity	Site reasonably accessible within wider context, but risk that most access would be by car rather than walking/cycling

⁴⁶ Unless explicitly stated in the information provided to AECOM by CSPC, it has been assumed that all sites are being assessed for their potential for residential only.

Environmental Considerations

Questions	Assessment guidelines	Observations and comments
<p>Is the site within or adjacent to the following policy or environmental designations:</p> <ul style="list-style-type: none"> • Green Belt • Ancient Woodland • Area of Outstanding Natural Beauty (AONB) • National Park • European nature site (Special Area of Conservation or Special Protection Area) • SSSI Impact Risk Zone • Site of Importance for Nature Conservation • Site of Geological Importance • Flood Zones 2 or 3 	<p>High level of environmental impact</p>	<p>Site within setting of High Weald AONB</p> <p>Site within Impact Risk Zone of Sissinghurst Park Wood</p> <p>Site zoned as a Biodiversity Action Plan (BAP) Priority Habitat in the Priority Habitats 2012 dataset for Kent for its value as a traditional apple orchard</p>
<p>Ecological value? Could the site be home to protected species such as bats, great crested newts, badgers etc.?</p>	<p>Likely high</p>	<p>Based on the site's status as a BAP Priority Habitat, its ecological value is very likely to be high</p>
<p>Landscape and Visual Impact</p> <p>Is the site low, medium or high sensitivity in terms of landscape and visual impact?</p> <p>Low sensitivity: site not visible or less visible from surrounding locations, existing landscape or townscape character is poor quality, existing features could be retained</p> <p>Medium sensitivity: development of the site would lead to a moderate impact on landscape or townscape character due to visibility from surrounding locations and/or impacts on the character of the location. (e.g. in built up area);</p> <p>High sensitivity: Development would be within an area of high quality landscape or townscape character, and/or would significantly detract from local character. Development would lead to the loss of important features of local distinctiveness- without the possibility of mitigation.</p>	<p>Medium sensitivity</p>	<p>Within Local Character Area 7: Sissinghurst Wooded Farmland, of the Tunbridge Wells Borough Landscape Character Area Assessment 2002 (Second Edition Adopted October 2011).</p> <p>The Local Character Area is designated as part of the High Weald Special Landscape Area, where 'Visual diversity should be protected and enhanced....The loss of woodland areas should be restricted.'</p>
<p>Agricultural Land Land classified as the best and most versatile agricultural land (Grades 1,2 or 3a)</p>	<p>No impact</p>	<p>Site not currently in agricultural use</p>

Heritage considerations

Question	Assessment guidelines	Comments
<p>Is the site within or adjacent to one or more of the following heritage designations or assets?</p> <ul style="list-style-type: none"> • Conservation area • Scheduled monument • Registered Park and Garden • Registered Battlefield • Listed building • Known archaeology • Locally listed building 	Medium heritage impact	Site opposite and within setting of Grade II listed Mouse Hall

Community facilities and services

Question	Assessment guidelines	Observations and comments
<p>Is the site, in general terms, close/accessible to local amenities such as (but not limited to):</p> <ul style="list-style-type: none"> • Town centre/local centre/shop • Employment location • Public transport • School(s) • Open space/recreation/ leisure facilities • Health facilities • Cycle route(s) <p>Where a site is poorly located if > 800m, moderately located if 400m to 800m, and favourably located if < 400m from 'centre of gravity' from services.</p>	Moderately located	790 metres from the centre of gravity for services and facilities at Sissinghurst; as such, moderately located for walking and cycling to services and facilities (though the most distant of the 'moderately located' category)

Other key considerations

Are there any Tree Preservation Orders on the site?	No		
Would development lead to the loss of habitats with the potential to support protected species, for example mature trees, woodland, hedgerows and waterbodies?	Some	Potential for loss of some mature trees	
Public Right of Way	None		
Existing social, community or amenity value (provide details)	Low	Low because site is not publically accessible and visibility from surroundings is limited	
Is the site likely to be affected by any of the following?	Yes	No	Comments
Ground Contamination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Significant infrastructure crossing the site i.e. power lines/ pipe lines, or in close proximity to hazardous installations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
---	--------------------------	-------------------------------------	--

Characteristics

Characteristics which may affect development on the site:	Comments
Topography: Flat/ gentle slope/ steep gradient	Flat
Coalescence Development would result in neighbouring settlements merging into one another.	No
Scale and nature of development would be large enough to significantly change size and character of settlement	No
Any other comments?	

3.0. Availability

Assessing the suitability of the site will give an indication of whether the site has any constraints to development. It should consider aspects such as infrastructure, planning policy, local services, heritage and other considerations.

Availability

	Yes	No	Comments
Is the site available for sale or development (if known)? Please provide supporting evidence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Appears in Call for Sites 2017
Are there any known legal or ownership constraints such as unresolved multiple ownerships, ransom strips, covenants, tenancies, or operational requirements of landowners?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is there a known time frame for availability? 0-5 /6-10 / 11-15 years.	<input type="checkbox"/>	<input type="checkbox"/>	

4.0. Summary

Assessing the suitability of the site will give an indication of whether the site has any constraints to development. It should consider aspects such as infrastructure, planning policy, local services, heritage and other considerations.

Conclusions

Please tick a box

The site is appropriate for allocation	<input type="checkbox"/>
This site has minor constraints	<input type="checkbox"/>
The site has significant constraints	<input checked="" type="checkbox"/>
The site is not appropriate for allocation	<input checked="" type="checkbox"/>
Potential housing capacity	n/a
Key evidence for decision to accept or discount site.	The site is considered not suitable for development because it is zoned as a BAP Priority Habitat for its value as a traditional apple orchard, and as a result it is likely to be of high ecological value. Despite the fact that the site performs relatively well on other criteria, such as accessibility to services and facilities, it is not considered that this constraint could be mitigated.

Appendix 10 **Extract of the Officer's Report to Planning Committee**

Summary of Reasons for Recommendation (p.1-2)

S38 (6) Balancing Exercise (paras 10.221-10.230, p. 98-100)

REPORT SUMMARY

REFERENCE NO - 20/00815/FULL

APPLICATION PROPOSAL

The construction of 165 new dwellings with associated access, car parking, refuse/recycling storage, landscaping, earthworks and other associated works

ADDRESS Land Adjacent To Turnden Hartley Road Cranbrook Kent TN17 3QX

RECOMMENDATION to GRANT planning permission subject to the completion of a Section 106 legal agreement and subject to conditions (please refer to section 11.0 of the report for full recommendation)

SUMMARY OF REASONS FOR RECOMMENDATION

- In the absence of a five year supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are “out-of-date”. Paragraph 11 and Footnote 7 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted (and all other material considerations are satisfied);
- The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied. The proposal is considered to accord with the Development Plan and local policy in respect of these material considerations;
- The proposal is considered to comply with Paragraph 172 of the NPPF in terms of its impact on the Area of Outstanding Natural Beauty (AONB) and Paragraph 197 in terms of its impact on the historic AONB landscape as a non-designated heritage asset;
- The details of the proposal, as a major development within the AONB, is considered to amount to exceptional circumstances, and demonstrates that the development is in the public interest to override the presumption against major development in such areas;
- This includes the provision of 21.60% Biodiversity Net Gain, significant areas of public open space; re-instatement of lost hedgerow/field boundaries and the lost historic Tanners Lane route; new woodland block planting; management and enhancement of existing woodland (including Ancient Woodland) areas within the site (to be secured by legal agreement); enhanced pedestrian routes through the site leading to Cranbrook town centre plus additional footpaths (provided on a ‘permissible’ basis) connecting to the existing Public Rights of Way network;
- The ‘less than substantial harm’ to the setting of listed buildings and the Conservation Area is outweighed by the public benefits of the scheme in accordance with NPPF Paragraph 196;
- The development would not be materially harmful to the residential amenities of nearby dwellings;
- The proposal can be satisfactorily accommodated around the trees on and off site, some of which are protected by a Tree Preservation Order;
- The number of residential units and the mix of unit sizes are considered to be appropriate to this site;
- The proposal would deliver 40% affordable housing to which very significant weight is given;
- The traffic movements generated by the development can be accommodated without detriment to highway safety, the residual cumulative impacts on the road network would not be severe and the proposal includes adequate car parking provision;
- The site is adjacent to the LBD and is not proposed for an ‘isolated’ rural location;
- The proposal lies within reasonable walking distance to a bus route;

- The proposal would deliver a net ecological gain through a scheme of mitigation and enhancement and a Landscape and Ecological Management Plan (to be secured by planning obligation);
- Additional landscaping is proposed which would reduce and mitigate (to a degree) the landscape and AONB impact of the development;
- The public benefits of the proposal would outweigh the 'less than substantial harm' to the significance of heritage assets (listed buildings and Conservation Area);
- The effect on the significance of non designated heritage assets is also considered to be outweighed by the benefits of the proposal;
- The proposal would deliver a betterment in terms of surface water run-off rates from the site through a SuDS scheme;
- The proposal would secure financial contributions (detailed below);
- Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition or legal agreement.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):

KCC: Cranbrook Hub (Libraries, Adult Learning and Social Care)	£69,238.95
KCC: Primary Education (Expansion of Cranbrook Primary school)	£627,830.50
KCC: Waste (Waste transfer station – North Farm)	£27,629.25
KCC: Youth Service (Additional resources for the Kent Youth Service locally in the Cranbrook area)	£10,807.50
KCC: Public Rights of Way and Access Service (Off-site PROW improvements)	£10,000
KCC: Sustainable Transport (Improving public transport services)	£165,000
NHS: The relocation of the three existing general medical practices in Cranbrook being Orchard End Surgery Crane Park Surgery and/or Old School Surgery	£157,932
Cranbrook Parish Council (improvements to the local community facilities at the Crane Valley play area at Crane Lane), or for the proposed Cranbrook Hub (such as future indoor play/recreation facilities)	£318,571.10
Total:	£1,376,201.80

Net increase in numbers of jobs: N/A

Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A

The following are not considered to be material to the application:

Estimated annual council tax benefit for Borough: £29494.60

Estimated annual council tax benefit total: £294,945.95

Annual New Homes Bonus (for first year): £165,000

Estimated annual business rates benefits for Borough: N/A

significant weight. This is tempered by the departure from a policy-compliant tenure mix (75/25 in favour of rented) however it is noted that there are local circumstances which seem to advocate greater weighting towards non-rented dwellings. In addition the PSLP advocates a shift towards 60/40 in favour of rented, although this can only be given limited if any weight.

10.219 It is noted that this area is covered by the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 which prevents the ability to 'staircase out' and take full ownership of certain affordable housing where part-ownership is included.

10.220 Therefore on the information provided there is considered to be sufficient justification to depart from Core Policy 6 with regards to the provision of affordable housing, largely due to the 5% oversupply. This provision would be secured through the Section 106 agreement.

S.38 (6) balancing exercise

10.221 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. This is reaffirmed in NPPF Para 47. S38 (6) affords the development plan primacy in determining the application. The Development Plan policies as a whole are not out of date and still carry significant weight. This is consistent with the Government's clear statement that the planning system should be genuinely 'plan-led.' (NPPF Para 15).

10.222 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. In this context, "preserving", means doing no harm.

10.223 In order to give effect to the statutory duty under section 66(1) a decision-maker should accord considerable importance and weight to the '*desirability of preserving the listed building, or its setting*' when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status. Decision-making policies in the NPPF and in the development plan are also to be applied, but they cannot directly conflict with or avoid the obligatory consideration in these statutory provisions.

10.224 If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, although, in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest. But if a development would not conflict with that objective, the special regard required to be paid to that objective will no longer stand in its way and the development will be permitted or refused in the application of ordinary planning criteria.

10.225 Similarly, Section 85 of the Countryside and Rights of Way Act 2000 requires that "*In exercising or performing any functions in relation to, or so as to affect, land in national parks and Areas of Outstanding Natural Beauty, relevant authorities should have regard to their purposes*". Again this is a significant material consideration to which great weight should be given.

10.226 In terms of negative aspects;

- The proposal is, overall, considered to cause moderate localised harm to the AONB;
- The proposal would not re-use Previously Developed Land;
- The proposal would cause slight additional queuing in peak hours at the Hawkhurst Crossroads and (to a far lesser extent) at the Wilsley Pound roundabout;
- There would be minor impacts on air quality in respect of three dwellings at Hawkhurst Crossroads between 2021 and 2025, which can be mitigated by condition;
- There are some limited aspects of the design Officers do not consider to be positive – such as the route of one of the internal pathways, the proposed use of synthetic slate and some areas where the designs could have been improved, although some of these issues can be addressed by condition;
- There are still some concerns regarding the proximity of the development to the Ancient Woodland

10.227 In terms of the positive aspects:

- The provision of 165 houses at the prescribed mix is a positive, to which significant weight can be attached;
- The provision of 66 affordable dwellings is a further significant positive. Whilst the proposal would deliver 25% less rented dwellings than required by current Development Plan policy, that lesser number is driven by local circumstances and the total provision would exceed current overall requirements by 5% - this would result in an overprovision which carries significant weight;
- The proposal would potentially deliver an extension of the proposed new 30mph speed limit (which forms part of the Brick Kiln Farm and Turnden Phase 1 schemes) on Hartley Road past the junction for Turnden – this will be subject to agreement with KCC (see 'Highway Safety' section below for more details);
- The proposal would deliver upgrades to the nearest two bus stops (should Turnden Phase 1 not be implemented or deliver those improvements) - this will be subject to agreement with KCC (see 'Highway Safety' section below for more details);
- The proposal will be a moderate positive in terms of improving the economic and social vitality of the area and in particular Cranbrook centre (during construction and through the introduction of new residents);
- The site is adjacent to the LBD and is not proposed for an 'isolated' rural location;
- The proposal would be moderately well located to the local primary and secondary schools and lies on a bus route;
- The proposal would result in the provision of significant areas of open space and permissible footpaths that link to adjacent developments and provide alternative pedestrian routes to the roadside pavement;
- Some benefits would arise from some of the S106 financial obligations (for example: non Turnden residents would benefit from the new amalgamated GP surgery and the Cranbrook Hub payments; other footpath users would benefit from the upgraded footpath; plus non-Turnden residents may well use the play area);
- The proposal would deliver a net ecological gain well in excess of the standard 10% through a scheme of mitigation and enhancement and a wider Landscape and Ecological Management Plan (to be secured by legal agreement);
- The scheme includes provision of interpretation boards, public art and (within the LEMP) educational work such as guided walks and activity days;

- Additional landscaping is proposed which would reduce and mitigate (to a degree) the landscape impact of the development and the wider landscaping proposals within the LEMP can be secured by legal agreement.

10.228 This summary takes in to consideration the requirement of NPPF paragraph 11, which indicates that development should be restricted where NPPF Irreplaceable Habitats, AONB and designated heritage assets policies are not considered to comprise a clear reason for refusal as per NPPF Para 11 (d) (i). There are overall significant social and economic benefits to the proposal and with this in mind, it is considered on balance that the proposal comprises sustainable development in NPPF terms. It is considered that in light of the extensive public interest benefits of granting permission and the exceptional circumstances that this development on this site offers, the proposal should not be refused in line with NPPF Para 172.

10.229 It has been set out earlier that the social and economic benefits from the proposal outweigh the 'less than substantial harm' caused to the setting of the CA and the nearby listed buildings so that harm does not feature in the overall planning balance, having already been outweighed by the balancing exercise required by NPPF Para 196.

10.230 It is not considered that the 'tilted balance' exercise within NPPF Para 11 (d) (ii) is engaged, as there are relevant Development Plan policies for the determination of the application. Even if it were, the adverse impacts of granting permission would be significantly and demonstrably outweighed the benefits when assessed against the policies in the NPPF taken as a whole. Having regard to the presumption in favour of sustainable development and the requirements of paragraph 11 of the NPPF, planning permission should therefore be granted and other material considerations do not indicate otherwise.

Other Matters

10.231 In terms of refuse, there is space within the amenity areas to cater for the suitable storage of bins. This matter can be dealt with in more detail by condition.

10.232 In terms of future development to dwellings within the scheme, it is considered necessary to restrict permitted development rights here due to the potential impact upon the street frontage and the appearance of the development. As such, classes A, B and F would be restricted in order to ensure the overall character of the dwellings is retained.

10.233 The future occupiers of the properties would each have reasonable access to good sized private gardens (as shown on the plans) which would provide adequate amenity space.

Summary

10.234 In summary, the proposal is considered to be acceptable in principle. Based on the finding above the proposal is considered to be sustainable development. It would also provide significant public benefits, which have been outlined earlier.

10.235 There are not considered to be significantly harmful impacts which cannot be controlled by condition or S106 planning obligation.

11.0 RECOMMENDATION –

- A) Grant subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended), in a form to be agreed by**