DEDHAM VALE
AONB & STOUR VALLEY PROJECT

Dedham Vale AONB and Stour Valley Project
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John Davies
Principal Planning Officer
Environmental and Protective Services
Colchester Borough Council
PO Box 889
Town Hall
Colchester
CO1 1FL

31 March 09

Dear Mr Davies,

Application no. 090231
Land and other property North of London Road and West of A134

Thank you for sending us details of this application that straddles the boundary of the nationally protected Dedham Vale Area of Outstanding Natural Beauty (AONB). The opinion below represents the views of the Dedham Vale AONB and Stour Valley Joint Advisory Committee following an extraordinary meeting of the group called to formulate its response to this application.

The Joint Advisory Committee would like to object to this application on the following grounds:

1. AONB Policy
2. Transport and Tourism Policy
3. Landscape Policy

1.0 AONB Policy:

1.1 Colchester Borough Council has a duty under Section 85 of the Countryside and Rights of Way Act (2000) that states:

In exercising or performing any functions in relation to, or so as to affect, land in an AONB, to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The requirement to have regard to conserving and enhancing natural beauty will not override particular considerations which have to be taken into account by relevant authorities in carrying out any function.

The Joint Advisory Committee believe that this application has the potential to have several adverse affects on the AONB, as outlined below in terms of scale; landscape; transportation and tourism issues, on conserving and enhancing the natural beauty of

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the Dedham Vale AONB and therefore the application should be refused.

1.2 The Department of Communities and Local Government Planning Policy Statement 7 (PPS7) states:

Major developments should not take place in these designated areas, except in exceptional circumstances. Consideration of such applications should therefore include an assessment of:

(i) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

(ii) The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

(iii) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The application constitutes a major development as it relates to an area of 117 acres, the majority being within the AONB, a large commercial operation and with a business case predicting 485,000 visitors in the first year.

The Joint Advisory Committee does not believe that there are 'exceptional circumstances' that would allow this major development within the designated AONB. In addition the Joint Advisory Committee does not believe that an assessment of the cost and scope of siting the development 'elsewhere outside the designated area or meeting the need in some other way' has been made and therefore the application should be refused.

1.3 Colchester Borough Council's Core Strategy Adopted December 2008 ENV1-Environment states that:

The Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The Council will safeguard the Borough's biodiversity, geology, history and archaeology through the protection and enhancement of sites of international, national, regional and local importance. In particular, developments that have an adverse impact on Natura 2000 sites or the Dedham Vale Area of Outstanding Natural Beauty will not be supported.

The Joint Advisory Committee believes that this development would have an adverse impact on the Dedham Vale AONB and should not be supported. The adverse impact would include negative effects on the AONB's natural beauty, in terms of:

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- *Loss of tranquillity through an increase in car use associated with journeys to and from the site (the applicant states that 82% of visitors will arrive by car and there will be significant additional movements by staff and contractors to and from the site);*
- *Increased noise and light pollution due to increased activity at the site particularly at weekends, holiday periods and the evenings;*
- *Visual intrusion from villages, rural roads and public rights of way within the AONB of the proposed larger buildings situated a few metres from the AONB boundary.*
- *Negative impact on the landscape character, including loss of tranquillity in historic villages and on quiet roads. Landscape character assessments of the area identify the area as having a predominately rural feel and the scale of this development does not meet with these existing characteristics of the area.*

The Joint Advisory Committee believe that the application should be refused as it goes against Colchester Borough Council's Core Strategy Adopted December 2008 policy, ENV1-Environment.

1.4 The Dedham Vale AONB and Stour Valley Management Strategy 2004-2009 that has been endorsed by Colchester Borough Council has the following policies:

<u>EA4 Maintain the tranquillity of the area, particularly the nationally important AONB.</u>

<u>SP5 Ensure that any business related development brings economic benefits to the local area and does not adversely affect the high environmental value of the area.</u>

<u>TT8 Give serious consideration to the transport implications of development proposals in the valley to protect the rural character of the minor road network.</u>

The Joint Advisory Committee consider that the development will go against EA4 as there will be a loss of tranquillity within the AONB as a result of increase in traffic movements, it is expected by the applicant that 82% of the visitors will arrive by private car. The Joint Advisory Committee anticipates that many of these visitors will travel to the site via the network of rural roads through the AONB causing further loss of tranquillity. In addition to the 485,000 visitors expected in the first year there will be additional traffic movements from staff and contractors.

The Joint Advisory Committee consider that the development will go against SP5 as there will be an adverse affect on the AONB in terms of natural beauty as the visual amenity, views into and

from the AONB, will be impaired; deterioration of tranquillity due to the increases in traffic; and noise and light pollution.

The Joint Advisory Committee consider that the development will go against TT8 as the rural character of the area and minor road network, including protected lanes close to the proposed site, will be affected by increases in traffic from visitors, staff and contractors getting to and from the site and visitors going on from the site to explore the AONB either by private car or the proposed 'hopper' buses. The Joint Advisory Committee consider that further capacity studies, to include existing popular visitor destinations of Flatford and Dedham, are needed to fully understand how visitors will explore other areas within the AONB and if those attractions have the capacity to absorb further visitors as it is anticipated by the applicant that 25% of visitors will go on to explore more of the AONB.

The Joint Advisory Committee therefore feel that the development proposals go against the Dedham Vale AONB and Stour Valley Management Strategy 2004 – 2009 and the that the application should be refused.

1.5 The adopted Review Colchester Borough Local Plan (March 2004) Saved Policy CO2 states:

Development in or likely to have an adverse impact on the Dedham Vale Area of Outstanding Natural Beauty will be subject to special scrutiny. Where such development could have an adverse impact, directly or indirectly, on the area, it will be acceptable only where an overriding national need for the development in that particular location can be demonstrated and there is a lack of acceptable alternative sites.

The Joint Advisory Committee believes that the development would have an adverse impact on the AONB both directly and indirectly. This would be in terms of:

Scale, form and siting of development:
The proposed new buildings are higher than the existing buildings, which would be demolished and therefore if the application is approved there will be an increased visual impact upon the AONB. The proposals state estimated visitor numbers of 485,000 in the first year of operation. This will have an adverse impact upon the AONB in terms of increases in traffic and associated impacts on tranquillity and effects on the rural road network, particularly as an estimated 25% of visitors will travel on to other rural locations such as Dedham and Flatford by private car and hopper buses. In addition to visitor numbers a further number of 'service' visits (contractors and staff) will add to increases in traffic movements and overall numbers to the site.

The application has been submitted as a D2 leisure use. The application includes proposals for a garden centre of 2,310sqm (24,864.6sq ft) and a food centre of 886sqm (9,536sq ft) which can only be available to customers paying an admission fee. There is sparse detail on the expected use of the 250 seat lecture theatre and the future development of this facility as conference centre would increase in visitor numbers. These elements constitute a major retail/commercial element and should be considered in terms of Planning Policy Statement 6 paragraph 25 which states that:

Where growth cannot be accommodated in identified existing centres, local planning authorities should plan for the extension of the primary shopping area if there is a need for additional retail provision or, where appropriate, plan for the extension of the town centre to accommodate other main town centre uses.

The Joint Advisory Committee believes that the scale, form and siting of the development in terms of its potential as new retail/ commercial facility should not be located in the countryside in accordance with Planning Policy Statement 6 and as there is no overriding national interest for it, the application should be refused.

2.0 Transport and Tourism Policy:

2.1 The Dedham Vale AONB and Stour Valley Management Strategy 2004-2009 that has been endorsed by Colchester Borough Council includes the following policies:

EA5 Act to encourage tourism to become more sustainable, bringing more benefits to and minimising any negative impacts on the valley.

The location of the development is not considered to be sustainable in terms of transport infrastructure. Whilst it is acknowledged that the applicants have made proposals to address this in their Travel Plan, the following issues have not been resolved:

The potential for staff and visitors to cycle from the edge of Colchester is not a viable option because of the lack of a continuous dedicated cycle route along the c.4.3 miles between Colchester North Station and the site. The link with National Cycle Network 1 is of little significance to the overall cycle infrastructure in the locality of the Horkesley Park site. There are no existing off-road cycle routes in the vicinity and therefore, the feasibility of cycling as an attractive and realistic option for commuter or leisure purposes is not wholly viable, despite the proposal to create a cycle route at the entrance to the development and on to Great Horkesley village. With the visitor related traffic using the local highway network, quieter lanes in the

vicinity which may have been considered suitable for cycling could become less attractive and less safe for the purpose.

The applicants state that 82% of the predicted 485,000 visitors will be travelling by car and that the proposed 220 space plus 400-500 space overflow car parking facility does not demonstrate a commitment to encouraging visitors to travel by alternative means.

The applicants have identified that a proportion of their visitors will go on to explore the villages further afield within the AONB, such as Dedham and Flatford. Whilst there is potential to encourage this traffic to use the main road route options through signing, there are no means of controlling which route individuals choose to take. Increased use of the minor road network between the proposed Horkesley Park and Dedham and Flatford will undoubtedly have an impact on the suitability of these routes for alternative modes of transport, e.g. walking and cycling. The proposal to run a fleet of 'Hopper' buses to link the site to Dedham and Flatford is of concern as there is no evidence to suggest that visitors will choose to use the facility or that it will be a long term solution.

> *The Joint Advisory Committee do not consider that the Travel Plan adequately addresses the transport issues caused by the rural location of the proposed development. Further consideration is needed to determine adequate incentives to encourage staff and visitors to use the alternative modes of travel. In the absence of a robust plan which would limit the number of vehicles accessing the site, the Joint Advisory Committee would recommend refusal.*

2.2 The adopted Review Colchester Borough Local Plan (March 2004) Saved Policy CO7 states:

<u>Protected Lanes of historic and/or landscape value shown on the proposals map will be protected from development that would adversely affect their physical appearance or would give rise to a material increase in the amount of traffic using them.</u>

Fishponds Hill, which is a protected lane, runs adjacent to the site and it is difficult to envisage that there would be no increased use of this protected lane by those visiting the site for leisure or work purposes. Increased usage has the potential to damage the physical appearance of the lane as a result of vehicles passing other users or vehicles stopping on verges. Increased usage can also have a detrimental effect on the suitability of such lanes by vulnerable users such as walkers, horse riders and cyclists.

> *The Joint Advisory Committee believes that the proposals would have an adverse affect on the protected Fishponds Hill and thus go against policy CO7 of the adopted Review Colchester Borough Local Plan (March 2004) and therefore the application should be refused.*

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2.3 Colchester Borough Council's Core Strategy Adopted December 2008 SD1 Sustainable Development Locations includes the following:

……Throughout the Borough, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. …….Development proposals will be expected to make efficient use of land and take a sequential approach that gives priority to accessible locations and previously developed land (PDL).

Proposals should seek to promote sustainability by minimising and/or mitigating pressure on the natural, built and historic environment, utilities and infrastructure, and areas at risk of flooding.

In support of Colchester's aim to be a prestigious regional centre, the Borough Council will promote high quality design and will focus on enhancing the character and quality of the Town Centre, the Regeneration Areas and key Gateways to Colchester. Development in Colchester Town will be primarily focused on the following broad locations:

• Town Centre
• North Growth Area
• East Growth Area
• South Growth Area
• Stanway Growth Area

The Council will also seek to sustain the character and vitality of small towns, villages and the countryside, and development will be expected to achieve a high standard of design, sustainability and compatibility with local character.

> *The Joint Advisory Committee note that the application does not relate to one of the preferred growth areas and that it should be considered as a stand alone facility which will have a detrimental affect on the natural environment in terms of visual intrusion and loss of tranquillity and is not accessible in a sustainable way (82% of visitors will come by private car). Therefore the Joint Advisory Committee consider that the application should be refused.*

2.4 Colchester Borough Council's Core Strategy Adopted December 2008 TA1-Accessibility and Changing Travel Behaviour includes the following:

The Council will work with partners to improve accessibility and change travel behaviour as part of a comprehensive transport strategy for Colchester. The Council will improve accessibility by enhancing sustainable transport links and encouraging development that reduces the need to travel……..

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…….. Major developments, employers and institutions should develop travel plans to promote sustainable travel behaviour. The quality of gateways will be enhanced, whilst traffic and car parking will be carefully managed, to encourage sustainable travel within Colchester.

> *The Joint Advisory Committee believe that the proposed development will not reduce the need for people to travel but will conversely encourage more people to travel given that 82% of the 485,000 visitors will come by private car. In addition, car parking will not be managed to encourage sustainable travel as there will be a car park for 200 cars and a planned overflow car park of 400-500 spaces. The Joint Advisory Committee believe that this development would go against TA1 and so should therefore be refused.*

3.0 Landscape Policy:

3.1 Colchester Borough Council's Core Strategy Adopted December 2008 ENV1-Environment states that:

The Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The Council will safeguard the Borough's biodiversity, geology, history and archaeology through the protection and enhancement of sites of international, national, regional and local importance. In particular, developments that have an adverse impact on Natura 2000 sites or the Dedham Vale Area of Outstanding Natural Beauty will not be supported.

> *The Joint Advisory Committee believe that the development will have an adverse affect on the landscape quality of the AONB in terms of loss of tranquillity; noise and light pollution; visual intrusion to and from the AONB and affects on rural villages from increasing traffic movements go against Colchester Borough Council Core Strategy policy ENV1 and so the application should be refused.*

Other observations:

The Joint Advisory Committee considers that the business case should be subject to scrutiny. If visitor numbers do not meet the expected levels the future use of the development needs to be subject of redundancy clauses. If the visitor number exceeds the expected levels the development will have increased adverse affects on the Dedham Vale AONB.

The sustainability of the scheme based on visitors paying an entrance fee to access the retail elements of the proposal is questionable. There is a concern that if there are not sufficient visitor numbers, the proposed entrance fee policy may alter – adding more significance to the retail element of the scheme in order to maintain viability.

There is a general perception throughout the application that there is a lack of recreational access to the countryside in the Dedham Vale AONB. The Joint Advisory Committee would dispute this claim as there is an extensive public rights of way network throughout the Stour Valley and access to areas of open access within 3 miles of the site where informal enjoyment of the countryside is available.

The Joint Advisory Committee has concern that this is a new visitor facility being built in the open countryside, and although it is replacing existing buildings the new use and associated traffic implications will have a considerable and unacceptable affect on the Dedham Vale AONB.

Yours sincerely

Simon Amstutz
Acting Project Manager
Dedham Vale AONB and Stour Valley Project

For and on behalf of the
Dedham Vale AONB and Stour Valley Joint Advisory Committee

NB Colchester Borough Councillor Nigel Chapman who is a member of the Joint Advisory Committee neither took part in the formulation of this response nor endorses its contents.

The Dedham Vale AONB and Stour Valley Joint Advisory Committee have been set up to meet the requirements placed on AONB Local Authorities from the Countryside and Rights of Way Act (2000). The current membership is:

Babergh District Council
Cllr Martyn Booth
Cllr Peter Holbrook
Mr Peter Berry

Braintree District Council
Cllr Tony Shelton
Cllr John Collar
Mr Melvyne Crow

Colchester Borough Council
Cllr Christopher Garnett
Cllr Nigel Chapman (SEE NOTE ABOVE)
Mr Adam John

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Essex County Council
Cllr Tony Clover (chair)
Cllr Simon Walsh
Mr Brian Stacey

St Edmundsbury Borough Council
Cllr Jane Bone
Cllr Peter Stevens
Mr John Smithson

Suffolk County Council
Cllr Selwyn Pryor
Cllr David Wood
Mr Jerry Hindle

Tendring District Council
Cllr Michael Dew
Mr Clive Dawson

Natural England
Mr Christopher Smith

Campaign for the Protection Rural England
Mr Jeremy Cohen

Dedham Vale AONB and Stour Valley Project
Mr Simon Amstutz/Ms Paula Booth

National Trust
Mr Philip Broadbent-Yale

Environment Agency
Mr Kim Thirlby

National Farmers Union
Mr Paul Hammett

Countryside Landowners and Business Association
Mr Robert Erith

East England Development Agency
Ms Lesley Anderson

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