



Mr Vincent Pearce,
Development Services Manager,
Colchester Borough Council,
Rowan House,
33 Sheepen Road,
Colchester C03 3WG.

26TH January 2013.

Dear Mr Pearce,

Application No:120953 Stour Valley Visitor Centre at Horkesley Park.

We write to express our dismay on reading that the Planning Officers are minded to recommend permission for this proposal, when this would:-

Cause very real damage to the AONB;

Be completely unsustainable (made clear by CBC's experts);

Be commercially unviable, (estimated by Britton McGrath Associates to make an annual net loss of £1,7999,000);

Contravene both the NPPF and all relevant Colchester Borough's planning policies;

Be in conflict with the Borough's own planning Policy Advice of 4.10.13; and

Not comply with the AONB Management Plan for the Dedham Vale, which the Borough is committed to.

Underlying the Planning Officers preliminary statement appears to be a profound lack of appreciation of the importance of the Dedham Vale, its uniqueness and why this has to be protected.

As the Countryside Commission report on the Dedham Vale Landscape said:

“The AONB.... embraces some of the finest unspoilt countryside. Of all the AONBs, it is a lowland landscape most held in the nation's mind as the English rural idyll.... In a world where natural and cultural heritage are being lost at an unprecedented rate, remaining areas where the rural idyll and peoples pastoral roots can still be discovered are profoundly important” “



Conserving the special landscape of Dedham Vale in the future will involve many people and organisations-ideally working to a common goal through an agreed management plan. It will involvethe effectiveness of planning authorities in controlling unsuitable development, and, no doubt, the outspokenness of local communities and others, who care about Dedham Vale, to resist harmful change... The essence of the Dedham Vale AONB landscape lies in its unspoilt traditional character. This will remain so provided it is continually managed with vigilance, sensitivity and care.”

What was stated in the Countryside Commission Report in 1997 is even truer today. Due in large part to careful management by the Dedham Vale AONB & Stour Valley Project, this description of the Vale has been preserved for the public to freely enjoy. How perceptive the requirement for local communities, who care about the Vale, to be outspoken in resisting harmful change and ensuring that the Planning Authorities adhere to planning policy.

It is for this very reason that the National Planning Policy Framework states that Areas of Outstanding Natural Beauty must have ***the highest status of protection***, and why the Borough has adopted specific policies to protect the Vale and prevent development such as this.

We have set out below the main planning provisions governing this application in order to emphasise why permission has to be refused.

Paragraph S115 of the NPPF states that *great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. Para S116* states that *planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.*

There are no exceptional circumstances. The reports commissioned by the Borough refer to numerous planning policies contravened by this application.

Fundamental to the NPPF is the need for development to be sustainable. This proposal is not sustainable, as Vectos make abundantly clear. In its report to Council on compliance with transportation planning policy, Vectos state in unqualified terms that *“the proposed development does not support the aims of National or Local Policy.”* Horkesley Park is in an unsustainable location and, with over 80% of expected visitors arriving by car, does not comply with either national or local transport policy (particularly **TA1** and **DP10** and **19**). **TA1** states that developments (such as this) which are car dependent or promote unsustainable travel behaviour **will not be supported.**



The proposal is likewise commercially unviable. Britton McGrath's report concludes that visitor numbers are only likely to be between 90-130,000, (less than 50% of number claimed), which *"inject a fatal flaw into the foundations of the Business Plan;"* It describes the forecast turnover as either ambitious or extremely ambitious, predicting an annual loss of £1.799m, and stating: *"Essentially the assumptions for many of the key foundations of the Business Plan appear to be fundamentally flawed resulting in an overwhelming conclusion that this is a business which would quickly become insolvent, resulting in any possible wider benefits to the community being lost."*

Britton McGrath was pressed twice by the Applicants to re-examine the visitor figures and consider whether Horseley Park might, along with other local attractions, bring in visitors from further afield. Yet, in their first addendum they state that *"even visitor numbers of 100-130000 would be ambitious"* The matters addressed in their second addendum resulted in their again stating that this *"all strengthens our original opinion that visitor numbers are unlikely to exceed 100-130,000."*

Stour Valley Action Group has persistently maintained that the proposal is unviable. Britton McGrath, whilst stating that it may not entirely agree with the absolute numbers detailed in the SVAG report, confirms that it is clear that they have identified the fundamental issues with the project; in that it overstates visitor numbers; overstates entry fees; overstates spend per head; overstates the margins on food, beverage and merchandise; and overstates the likely job numbers. Tellingly Britton McGrath says *"We cannot disagree with the principles of this conclusion."*

The Borough's Planning Policy Department points out that even with the most positive interpretation of Britton McGrath's estimates, the business as currently proposed would be unviable and that this is *"a very important material consideration given the scale and sensitive location of the development proposed."* The Policy Department points out that, not only would the claimed benefits (including jobs) not be delivered, but that, if unviable, there would be a serious risk that it would result in a change in the nature of attractions to include business diversification and further travel intensive use; stating that *"this would lead to greater harm in sustainability terms and would further conflict with adopted planning policy."*

Many objectors fear that, if permission were given, the Applicants would be compelled to include further commercial activities and retail outlets to make it profitable. It is noteworthy that Vectos observe that the proposed level of parking is close to the level of car parking associated with food retail (3.3.21).



The Policy Department further refers to the fact that the previous application was refused because the Council was not convinced that the project was viable and hence able to produce the claimed economic benefits. Precisely the same factors arise again. Consistency in applying planning policy is fundamental. It would be perverse if the Council were now to be advised to reach a different decision.

Coming to the Borough's own planning policies, the Policy Department makes clear that full weight must be given to all the main Policies in the **Borough's Core Strategy (2008)** and the **Development Plan Policies (adopted 2010)**, whether or not the proposal is regionally significant (3.1.4).

Core Policy SD1 provides the overarching spatial policy for the Borough and ensures that new development is located in sustainable locations to minimise the need to travel and to avoid negative environmental impacts. The Policy Department says unequivocally that the proposal fails to accord with SD1.

Access and travel policy **TA1** provides that developments that are car-dependent or promote unsustainable travel behaviour will not be supported. The Policy Department again states that the proposal clearly fails to meet this policy.

Core Policy ENVI states that developments *that have an adverse impact on the Dedham Vale Area of Outstanding Natural Beauty will not be supported.*

Whatever commercial benefits it might be hoped could be brought to the Borough, (none if not viable), this policy alone requires the application to be refused if it will have an adverse impact on the AONB. We refer above to the unique features of the Dedham Vale. Charles Clover, Chairman of the Dedham Vale Society, has succinctly set out in his letter of 21st January 2013 how this proposal would increase noise, light, traffic and visitor pressure to an unacceptable degree. The independent body, the Dedham Vale AONB & Stour Valley Project, is best equipped to answer this and believes that it will have an adverse impact. The Policy Statement says the proposal is considered to have "*an unacceptable impact on a sensitive rural area.....The scale of the attraction, the mix of uses including many intensive main town centre uses, combined with the unsustainable location in a sensitive area on the edge of the AONB, results in greater impact in terms of unsuitable travel as well as potential harm to the AONB.* (5.6, 5.7). The Statement says that the proposal does not appear to accord with this policy (3.1.50).

Nothing could be clearer.



Core Policy ENV2 provides that *Outside village boundaries, the Council will favourably consider small scale rural business, leisure and tourism schemes that are appropriate to local employment needs, minimise negative environmental impacts and harmonise with the local character and surrounding natural environment.*

Similar restrictions are imposed by Core Strategy Policy **CE1** and Development Policy **DP10**. The project is not small scale. The Policy Department is again explicit in saying that the proposal does not comply, as does the Nathaniel Lichfield report.

Policy DP 22 states that *development in or near to the Dedham Vale Area of Outstanding Natural Beauty will only be supported that:*

- (1) Makes a positive contribution to the special landscape character and qualities of the AONB;*
- (2) Does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment; and*
- (3) Supports the wider environment, social and economic objectives as set out in the Dedham Vale AONB & Stour Valley Management Plan.*

The Policy Department report is unambiguous. Paragraph 3.1.88 records that *the scale of the proposed attraction and its location in relation to the surrounding area and AONB raise concerns over its impact on the tranquillity of the existing AONB. The proposal is stated to attract 316,250 visitors a year, the majority of which will travel by car. This increases the risk of dispersal tourism including to hotspots in the AONB which on some occasions could not cope with more cars.*

Paragraph 3.1.89 says that *the proposal, therefore may not comply with the criteria to make a positive contribution to the AONB and to avoid adverse effects on its character. It would also appear to conflict with many of the objectives of the Dedham Vale AONB & Stour Valley Management Plan.*

This is again confirmed by the Dedham Vale AONB & Stour Valley Project.

The Planning Officers statement that they would be minded to support the application, if evidence of regional status could be produced, cannot be justified. There is no support for this approach in the Planning Policy Department's Statement, nor in the Borough's applicable planning policies. Nevertheless, it caused Britton McGrath to revisit the predicted visitor numbers.

Nathaniel Lichfield state in their report that in their view none of the proposed elements at Horkesley Park, in isolation or combined as a whole, have sufficient draw to suggest it will be a tourist attraction of regional significance. (3.32)



Although, contrary to Nathaniel Lichfield, Britton McGrath conclude that, if viable, the project could have regional appeal, they state “*we stand by the analysis presented in the previous document with regard to penetration rates.*”

In other words, all the independent evidence shows the scheme to be unviable to a very significant extent and therefore unlikely to produce any of the claimed benefits; the very reason for the Council rejecting the previous application (regional or otherwise).

However, the latest report from Britton McGrath throws up further concerns with the proposal. It identifies as two of the key drivers of the scheme:-

The Chinese Garden.
The Constable Experience.

A Chinese garden attraction within the AONB is contrary to everything for which the Dedham Vale was granted protected status, and does not comply with **DP 22**. Such an attraction should be in a sustainable location closer to the Town Centre. As for the so called Constable Experience, if there is need for such an exhibition and gallery, there is no special reason why it needs to be located at Horkesley Park. The views are not unique to Horkesley Park. Rather than fence off the area as a private fee paying attraction, the Vale should continue to be managed so successfully by the Dedham Vale AONB & Stour Valley Project as an area freely available to all to enjoy. Constable had no particular connection with Horkesley Park. There is no realistic prospect of the Applicants purchasing any worthwhile original paintings or persuading owners to lend them for display.

We have set out the policies and evidence at some length to show that, if planning policy is consistently applied (as it must be), it would be improper for the Planning Officers to recommend acceptance.

Yours sincerely,

Charles Aldous, Chairman.