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April 14th 2011

Dear Mr Day,

Application No 090231, Horkesley Park Heritage and Conservation Centre.

We refer to your letter of 29th March 2011 in which you invite comments on additional information that has appeared on the Council web site.

1 Planning Policy Considerations:

We welcome the detailed comments from the **Strategic Policy and Regeneration Department (SP&R)** published on the Council web site on January 21st 2011.

It is apparent from this report that the Horkesley Park proposal does not meet the very stringent requirements for a large scale development in open countryside, partially within and adjacent to an AONB as covered by national and local policies and also regional policies to the extent that these have not yet been revoked. At a very local level they specifically point out that the proposal does not meet the very strict criteria of the LDF policy DP 20 (we think this should be DP22) which the Council has adopted to protect the very special nature of the AONB. They support this by pointing out that the management body for the Dedham Vale AONB and Stour Valley Management Plan do not agree that the proposal is in conformity with the Plan. We entirely agree with this.

The report also supports the contentions made in our letter to the Council dated August 31st 2010 that there is no justification given by the Applicant for the penetration rates of the target visitor population of 29.7 million people used in calculating visitor numbers. This is a somewhat arcane issue but is crucial in justifying visitor numbers and cannot be ignored. In the letter of August 31st, we have pointed out that there is no justification for the penetration rates used and that visitor numbers are grossly overstated. Furthermore SP&R point out the danger of using generalized drivetime isochrones. The Applicant uses a two hour drivetime isochrone which is contrary to the one hour drivetime isochrone recommendation of their own reference experts, Anian Leisure Consultants. Use of a one hour drivetime isochrone as recommended by Anian, would vastly reduce the potential visitor numbers. Forecast visitor numbers and associated spend are **fundamental** to the whole proposal put forward by the Applicant. The lack of proper justification for visitor numbers and associated spend per head would suggest that the Applicant has almost worked back from the numbers he needs to demonstrate some possibility of financial viability for the whole project.

We are delighted that the SP&R report supports our long-held contention that the proposal is effectively a retail-led proposal with only 24.5% of sales coming from

ticket sales and of the remaining, 21.2% will come from catering and 54.3% from gifts and others.

2 Transportation and Traffic issues:

We welcome and support the findings of the **Savell, Bird and Axon (SB&A)** report of November 2010 which reviews the proposal against national and local policies in respect of traffic issues.

The overall conclusion is that the proposal does not accord with the requirements of PPG13 with respect to national policy. Furthermore it does not support the aims of local policy. We welcome these conclusions.

SB&A emphasize that the vast majority of visitors to the site would arrive by private car. They give evidence that the applicant's estimate of 14% arriving by coach is grossly overstated. Assuming that this over-estimation is correct, it suggests that at least 90% of visitors would arrive by private car which gives real concerns for sustainability issues.

SB&A point out that the Essex Highways requirements for the provision of bus services of various types - many of which would be in perpetuity - would have to be funded by the Applicant. They estimate a cost of £500,000 per annum to deliver the package of public transport measures. There is no evidence that this cost has been built into the Applicant's business Plan and we very much doubt the ability of the Council to enforce this obligation through a S106 Agreement in the longer term – indeed in perpetuity! The Essex CC requirements would be for **eight** bus services per hour from opening time to closing time every day of the year (except Christmas Day) to Colchester. Most of these would surely run virtually empty except at peak times in the summer.

Natural England also comments on transportation and traffic issues in their letter of 17th January 2011 and point out that Essex Highways and the Highways Agency have only commented on the affect of Horkesley Park on the A134 and the A12. They have requested that *the Traffic Assessment be revised to include an investigation of the impacts on the AONB and specifically narrow lanes, rather than solely an assessment on highways capacity.*

We trust that the Colchester Borough Council will carry out the requirements of Natural England and insist on these further studies before consideration of the Application and that these studies should be published for comment.

Natural England states that the possible effects on the AONB range from direct impacts such as erosion of road side verges (and increased potholes! – *SVAG comment*) to indirect impacts such as reduced tranquility and that they would want to see these assessed within the traffic assessment. We would thoroughly endorse this requirement.

In our letter of July 27th 2010 to Essex Highways we also pointed out that the presumption in their report of July 6th 2010, of prime access to the site via the A134/London Road junction, is entirely unjustified. People will not necessarily follow the brown signs on the A12 and come off at the new junction 28. They will continue to use the well-established routes off the very dangerous B1068/Higham junction through Stoke-by-Nayland and Nayland and also the A1124/Eight Ash Green junction leading through Argents Lane and West Bergholt. Much of this access could well end up going through Little Horkesley and up Fishponds Hill (which has the status of a Protected Lane with all the protections that DP21 provides for such lanes). The fact that these issues have not been considered and that there has been no reply to our

letter of July 27th 2010, is an abject dereliction of duty by Essex Highways. SP&R have also made it clear that Protected Lanes are a relevant consideration that has not been answered by any expert body.

The impact on roads in Suffolk is as important as those in Essex with the County border being less than a mile from the proposed site. Suffolk Highways originally recommended refusal in their letter of 28th April 2009 on the grounds of unacceptable increase in traffic flows on the B1068 and B1087 which they said would cause a likely increase in accidents on these roads and the A12/B1068 and A12/B1070 junctions. They commented that the accident statistics for these are already at a high level. In their letter of May 6th 2010 they completely reversed their position for no good reason that we could discern, and we wrote to them to this effect on May 21st 2010. Furthermore Suffolk Highways appear to have taken no account of northerly traffic from the site on the A134 or the potential grid-lock in villages such as Nayland that will occur on summer weekends. These issues must be taken into account and the Suffolk Highways letter must be treated as of little worth.

3 Landscape and visual impact:

We believe that this refers to the Natural England letter of 17th January 2011. We are extremely concerned that Natural England can possibly consider that mitigation measures could be put in place that might conceivably make the development acceptable – as they indicate. They do however point out that such mitigation measures are not yet in place and, in their letter of April 4th, they make it clear that they are currently maintaining their objection to the proposal. Given that Natural England should be the guardians of the AONB, it is inconceivable that they could possibly consider that the proposal would meet the requirements set out in DP22 for a development in or near the Dedham Vale AONB that:

- (i) Makes a positive contribution to the special landscape character and qualities of the AONB;
- (ii) Does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas, including by increased vehicle movement; and,
- (iii) Supports the wider environment, social and economic objectives set out in the Dedham Vale AONB and Stour Valley Management Plan.

The proposal will do nothing for the landscape, will certainly threaten public enjoyment by charging for access, will certainly cause increased vehicle movement which has not been properly or independently assessed, and flies in the face of the objectives of the Dedham Vale AONB and Stour Valley Management Plan as set out in their letter of 31st March 2009 in response to the application. We simply cannot accept their findings.

Natural England also points out that studies in relation to protected species are long out of date. Evidence has been found of great crested newts adjacent to the site and it is well known that many varieties of bats can be found in the buildings at the site and may well be roosting there. They have recommended that re-surveys are provided **prior to determination** of the application. If these are to be done thoroughly and properly by independent authorities, it is hard to see how there can be any determination of the application by May 26th.

4 Vision statements for the key experiences:

Our letter to the Colchester Borough Council of March 2nd 2011 clearly sets out our views on these documents and it is not our intention to repeat these in full here. Both the Food Experience and the Horticultural Experience statements are no more than vain attempts to disguise the fact that these are, in reality, nothing more than retail

activities, even though they may be split between a number of vendors. Using Bunting's own figures, income from people spending money on goods and food - **retail activities** – will be over £10,000,000 in the first year. The Council surely cannot treat the development as anything other than retail. Precedent has been set by Application 071084 the approval of which makes it clear that retail sales should not be allowed from the site 'to comply with the Council's retail policies'. This was a retrospective application for a micro brewery.

The Lecture Theatre experience is extremely woolly and gives no comfort that we will not have many weekend and late evening events foisted on us with all their attendant traffic, noise and light pollution. This statement also goes on at some length about visitor numbers and our letter of March 2nd shows in detail why these are grossly over-stated.

5 Other matters:

We are aware that there are yet more long documents from the Applicant on the Council web site which have appeared since the date of your letter of March 29th 2011. We may wish to comment on these and presume that we would not be constrained by your cut-off date of April 19th in this respect.

We are also aware that there has been no recent public documentation concerning a Section 106 Agreement which would have to be put in place in the unlikely event of the proposal receiving approval by the Council. We must presume that such an Agreement will not be used by the Council to make an otherwise unacceptable proposal, acceptable.

6 Conclusion:

The Stour Valley Action Group represents a very large group of people in the local community and we maintain our very strong objections to the Horkesley Park proposals which would irrevocably damage the Dedham Vale for generations to come. Horkesley Park must be refused.

Yours sincerely

W. L. Pavry
Chairman: Stour Valley Action Group

