

25th September 2012

Ms S Jackson
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Dear Sue

Planning Application - 120965, Stour Valley Visitor Centre, Horkesley Park, Colchester

I refer to the above and to the recent submission prepared by Collins and Coward Limited (CCL), which is described as a 'Response and Answers to Public Consultation'.

The document is long and addresses many comments made by numerous parties in response to the proposals. Within their submission there is a critique of the submission prepared by Pomery Planning Consultants (PPC) on behalf of the Stour Valley Action Group (SVAG). SVAG will prepare its own response to the submission; however I feel that it is appropriate that PPC provide a separate response, to clarify its position and to rebut any unwarranted criticism. I do not believe that it would prove helpful to respond to each and every point raised, as that may well prompt further unnecessary responses, which detract from the important planning issues that must be considered.

I would like to make it clear that in my opinion, the comments made by CCL to the PPC representations do not change the fundamental planning matters raised in the PPC representations. I therefore have no intention of providing an addendum. I have every confidence in the planning authority's ability to properly assess these proposals, against all relevant planning policy. Furthermore, I am sure that Officers have fully understood the matters raised in the PPC representations and that they will give them the due consideration they deserve. If Officers are in any doubt or feel that the CCL representation raises matters that PPC should specifically address, then the Case Officer should contact me without delay.

Approach to the Determination of the Application

I believe that it is clear in the opening paragraphs of my submission what approach should be taken to determine the application.

It is fair to say that when I refer to 'law' in paragraph 3.1, I could have perhaps been more accurate and referred to 'planning law'. For clarity, I refer now to Paragraph 11 of the NPPF which states:-

"Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise".

Paragraphs 3.0 and 3.1 of my submission clearly recite s38(6) of the 2004 Act and Officers do not need to be told the meaning of this fundamental principle of the Act. It is evident from the application submission that it is not the intention of the applicant to solely rely upon the weight to be given to the material considerations in this case to outweigh extant policy. The applicant must therefore demonstrate that the proposals comply with all relevant policy in this case, if they are to be approved.

I also contend that my identification of the key policies, particularly Policy C2 of the East of England Plan was made abundantly clear in section 2 of the submission.

CCL has challenged my approach with regard to the weight planning authorities should give to the Government's intention to abolish Regional Spatial Strategies. I say that it is for the decision maker to determine what weight should be given to this intention and no doubt, the planning authority will have its own views on this. When I say it is for the decision maker to decide, it was perhaps obvious to all that the decision would be taken in the context of the determination of the planning application and as such, all other material considerations would have been taken into account. I therefore see no need to amend my position on this matter.

LDF Representations

The applicant's agent has confirmed that submissions were made during the LDF consultation, seeking an allocation of land for these proposals in the Council's emerging policy framework. Therefore, I was correct in saying that the opportunity to establish the site through the LDF process was, as I put it, either "missed or attempted and failed". It appears that the latter was correct, as the representations made at that time failed to translate into the Council's proposals. It should be noted that the representations made by

the applicant were the subject of several rounds of consultation and an Examination in Public, yet the proposal was not adopted.

Policy C2

It is a matter of fact that many regional visitor attractions in the UK have obtained their regional status over time. This was the case with Colchester Zoo, which like many similar attractions began with modest scale development. It is fair to say that brand new regional scale proposals for visitor attractions are relatively rare in the UK. The point being made in my representations was that the approval of new regional scale development in what is a highly sensitive rural location must be founded on robust and tested evidence.

In relation to my comments on viability, whilst I maintain that this is a matter for the applicant, the development is undoubtedly significant in scale terms, relative to its rural setting. If it were to fail once development had taken place, the impact on the countryside would in my opinion, indeed be catastrophic.

I feel that it is perfectly clear in the submission that the point being made was to alert the Council to take care and advice when assessing the submitted business plan. If the scheme were to fail, the impact on the countryside would be significant, particularly if it were followed by diversification proposals required to recover substantial losses. It is understood that the Council recognise this risk and are now taking appropriate financial advice.

Definition of Brownfield Land

As part of the criteria of Policy C2, priority is given to development of brownfield land. The applicant claims that the proposals will utilise brownfield land and relies upon the definition of 'brownfield' in the Council's LDF documents. Policy C2 is found in the East of England Plan, where brownfield land is not specifically defined. These facts are explained in my submission. The East of England Plan was written at a time when the Government's definition was found in PPS3. That definition excluded former agricultural development as does the present NPPF definition. It is my opinion that the proposal should be considered against the most up to date policy context and the definition used in the NPPF, which specifically excludes former agricultural development.

Renewable Energy

I accept CCL's comment that the proportion of on-site renewables is often the subject of conditions. The point I make is that the proposals include a Renewable Energy Centre, yet the application does not give any information on the site's predicted performance in

reducing energy use. I merely express my surprise at this, given the Renewable Energy Centre is a key element of the attraction, promoted as exemplar, yet it seems no work has been done to assess the potential energy use.

Bus Services

My comment in relation to paying bus services should be read in context. The comment, which has heralded concern from CCL, is that I felt it unlikely that a commercial bus operator would extend its paying services in the area, when the Park operates a free service. It seems to me to be reasonable that a commercial company would not wish to compete with a free service. It is noted that CCL has not commented on my observation relating to discussions with commercial operators, which I say should be undertaken now and the outcomes of those discussions disclosed. The reason why CCL has not chosen to address this particular point may perhaps speak for itself.

Travel Plan

In relation to the Travel Plan, it appears to me that CCL may have missed my point. I accept that a travel plan can show how public transport can be improved. The point I make is a simple one, even if regular bus services are made available, the location of the site is such that many will opt to take their car. It is my opinion, based on human nature and experience that many visitors travelling within the region or from the local area will find their car more convenient and drive directly to the site. Thus, whilst buses may be provided, it is in my view unlikely that the modal shift expected will materialise.

Summary

I am content with the manner in which my assessment of the proposals was prepared and the approach taken. The critique provided by Collins and Coward makes no profound observations that go to the heart of the matters that the Council needs to consider. I am sure that the Officer's will review my submission, understand it in full and give it appropriate consideration.

Yours sincerely



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Director