

**Planning Policy Review prepared by Pomery Planning Consultants
on behalf of The Stour Valley Action Group
January 2013.**

1. This paper has been prepared by Pomery Planning Consultants (PPC) on behalf of The Stour Valley Action Group (SVAG). Its purpose is to review the most up-to-date planning policy position in relation to the proposed Stour Valley Visitor Centre at Horkesley Park, near Little Horkesley. The paper follows PPC's original representations to the Council, which also dealt with matters of planning policy. As part of this latest review, the paper considers the policy advice the Council has received from its own Planning Policy Team and from commissioned independent reviews, undertaken by leading consultants.
2. Colchester Borough Council's Planning Policy Team has produced a comprehensive analysis of all relevant development plan policies associated with these proposals. Their conclusion is that the proposals conflict with a number of policies contained within the Council's Core Strategy and Development Policies DPD. It is also the position of the Policy Team that the proposals conflict with national planning policy contained within the National Planning Policy Framework (NPPF).
3. The Borough Council has also commissioned an independent review of these proposals in relation to planning policy matters. That review, carried out by Nathaniel Litchfield and Partners (NLP) advises the Council that:-

"The Council will need to consider whether the benefits of the tourist elements of the scheme out-weigh the dis-benefits of major development in the open countryside, in particular the impact on the AONB and sustainability and transport impacts. The Council will also need to assess whether these benefits are likely to be sustained, and must consider the risks of failure".

4. The Council has also sought two further independent reviews of the proposals in relation to visitor numbers and viability, which was carried out by Britton McGrath Associates (BMA) and transport planning and sustainability, which was undertaken by consultants Vectos. BMA conclude that the scheme as proposed would not be financially viable and subject to three challenging caveats, the visitor numbers could achieve regional scale. Vectos consider the site's location to be unsustainable and as a result, consider the proposals to be in conflict with both LDF and NPPF policy.
5. Pomery Planning Consultants has reviewed the findings of the Council's Policy Team and likewise conclude that the proposals conflict with both local and national planning policy. We also concur with the advice issued to the Council by NLP, BMA and Vectos. This combined independent review, clearly demonstrates that these proposals do not comply with the development plan or with national planning policy.

6. The Development Plan

In accordance with s38(6) of Planning and Compulsory Purchase Act 2004, these proposals fall to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan in Colchester consists of the following three documents, which together comprise the Colchester Local Development Framework (LDF).

The Colchester Core Strategy (2008).

The Colchester Development Policies DPD (2010)

The Colchester Allocations DPD (2010)

The application site is not allocated for development and therefore the Allocations DPD is not relevant in the circumstances. All LDF documents were adopted post, 2004 and in accordance with paragraph 214 of the NPPF, have full weight in the determination of this application.

7. National Planning Policy is contained within the National Planning Policy Framework

(NPPF) and the policies contained therein are a material consideration in the determination of this application.

8. Pomery Planning Consultants has carried out its own review of the relevant development plan policies against which these proposals are to be determined. PPC conclude that the proposals are in conflict with the following policies of the development plan.

The Core Strategy 2008

Policy	Nature of Conflict
SDI Sustainable Development Locations	The proposal will lead to major development in an unsustainable location.
CE1 Centres of Employment and Hierarchy	The proposal is not small scale and has high travel needs with 82% of visitors arriving by car.
UR1 Regeneration Areas	Conflicts with the Council's strategy to direct major development to its regeneration locations.
TA1 Accessibility and Changing Travel Behaviour	The sites location is unsustainable resulting in an increase in car borne journeys.
TA3 Public Transport	The proposed measures to reduce car journeys in favour of more sustainable transport modes is not supported by evidence that demonstrates that there will be a genuine modal shift.
ENV2 Rural Communities	The policy does not support large scale development in the countryside.

9. Development Policies DPD (2010)

Policy	Nature of Conflict
DPI Design and Amenity	The proposal fails to meet the sustainability requirements of the policy.
DP9 Employment Uses in the Countryside	The proposal conflicts with the policy in that it only supports small scale tourism development in the countryside.
DP10 Tourism, Leisure and Culture	The policy requires that where proposals are not accessible, tourism proposals must be small scale.
DP14 Historic Environmental Assets	English Heritage advise that the proposal will have some limited harm on the setting of All Saints Church.
DP17 Accessibility and Access	The proposal will increase car journeys and conflicts with the need to secure sustainable, accessible development.
DP19 Parking	Proposed parking provision exceeds maximum parking standards.
DP22 Dedham Vale AONB	Inappropriate scale, increased car movements and adverse impact on tranquillity.

10. National Planning Policy Framework

The policies contained within the NPPF are a material consideration in the determination of this application. The NPPF provides a presumption in favour of sustainable development and states that significant weight should be placed on the need to support sustainable economic growth through the planning system. Specific to this proposal is that the NPPF supports sustainable rural tourism that respects the

character of the countryside. Such tourism must be in appropriate locations where identified needs are not met by existing facilities in rural service centres.

11.

Sustainability

The application site is in the countryside remote from any urban centre. It is common ground that 82% of visitors to the proposed attraction will arrive by private car. Given such high reliance on the private car, the site's location is clearly unsustainable. The applicant proposes substantial bus service improvements, but has not provided evidence that effectively demonstrates that these services will significantly lead to reduced car journeys. The bus services are only proposed to be temporary; therefore any modal shift that is achieved will also be temporary. Any permanent bus service provision is likely to be at a substantive cost to the development, which needs to be identified now and reflected in the overall viability of the proposal. On the evidence available the proposal fails to adhere to the sustainability principles of the NPPF.

12.

Economic Benefits

The NPPF places significant weight on economic growth through sustainable development. However, such growth is not to be achieved at all costs and Paragraph 8 advises that *"to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions"*. Although the applicant's assessment of the number of new jobs that will result from the development is viewed as optimistic, there would be some job creation were the scheme to go ahead. However, the economic development that would result is not sustainably located and thus fails to meet the economic sustainability requirements of the NPPF.

14.

Appropriate Location and Need

The NPPF at Paragraph 28 supports *"sustainable rural tourism"* in suitable locations and

where identified needs are not met by existing facilities. The application site has been demonstrated to be in an unsustainable location and there is no robust evidence before the Council that demonstrates that there is unmet need in the area, for these facilities. Consequently the proposals do not comply with the requirements of the NPPF in this regard.

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Conclusions

It is the findings of the independent reviews undertaken by leading consultants in relevant fields that these proposals are not viable and that the site is unsustainably located, where access will, in the majority, be by private car. The Council's own Policy Team share this opinion and like the independent reviewers, consider that the proposals, as a consequence of these shortcomings, fail to comply with up to date local and national planning policy. Pomery Planning Consultants has assessed the proposals in the light of the development plan. It has also reviewed the findings of the independent reviewers. It is evident from the conclusions of this comprehensive professional assessment that these proposals are contrary to the development plan. Accordingly, the application should be refused planning permission, unless it can be demonstrated that there are material considerations that are capable of outweighing the harm that would result by not applying the usual application of development plan policy.