



# Stour Valley Action Group

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## Newsletter



6th October 2013

Dear Supporter,

### The Planning Inquiry

The Planning Inquiry into the appeal by Buntings against the decision reached by Colchester Borough Council to reject their Planning Application for Horkesley Park was held from October 1<sup>st</sup> to 4th in the Langham Community Centre and on site. The process was as follows:

#### 1 Representation:

The Appeal was heard by **Mr. Colin Ball** for the Planning Inspectorate (PINS). **Simon Pickles** of Landmark Chambers represented Colchester Borough Council. **Mr Tony Collins** represented Buntings insofar as he was able to; Buntings having (very unusually) declared on September 24<sup>th</sup> that they were going to rely on written evidence only. SVAG was represented by **Mr David Whipples** of Holmes and Hills. Other speakers represented themselves.

#### 2 Opening Statements:

The Inspector opened the Inquiry by restating that his main concerns were:

- Sustainability
- Impact on the Dedham Vale AONB
- Other material planning considerations when considered against the adopted planning framework for the area.

A very short opening statement was given by Buntings followed by a more detailed (and excellent) statement by the Council setting out the basis for refusal of the claim.

*All statements are, or will be, on the Colchester Borough Council web site under Horkesley Park Appeal should anyone wish to read them in detail. Where reference is made to a 'Proof' this is a written statement made to PINS by September 3<sup>rd</sup> in accordance with the required programme.*

#### 3 Council Proofs of Evidence:

**Christopher Hargreaves** for Vectos (Transport Consultants) presented his summary Proof on transport issues and concluded, *inter alia*, that the site was not sustainable and would rely on the private car for more than 90% of journeys.

**Susan Dodwell** of Woolerton Dodwell Associates presented her summary Proof on landscape and visual amenity issues. She pointed out many of the problems of the site in respect of the AONB and that its 'footprint', if all developed areas are taken into account, is in fact larger than the previous proposal. It was a very powerful presentation.

**Jill Britton** of Britton McGrath Associates gave her summary Proof on tourism and viability issues. She pointed out that if realistic visitor numbers, entry fees and other revenues together with realistic margins were taken into account, Horkesley Park would not be viable and not deliverable. Her written Proof and rebuttals also contain expert opinions on the Chinese Garden from Professor Alison Hardie and Chantry Art Gallery from Dr Anne Lyles, which cast great doubt on both these elements.

**Karen Syrett** Planning Policy Manager of Colchester Borough Council presented her Proof of Evidence and rebuttal of the Bunting written evidence in respect of many areas where the Horkesley Park Application does not meet the requirements of the Colchester Borough Plan and the NPPF. This was a crucial and very powerful presentation.

*The position taken by Buntings on September 24<sup>th</sup> prevented any cross-examination of the Council (or any other) Proofs.*

#### **4 Third Party Proofs and statements against Horkesley Park:**

**Katherine Potts** for the Dedham Vale AONB and Stour Valley Project presented her Proof and the extent which we considered Horkesley Park would be in conflict with the adopted Management Plans.

**Will Pavry** for SVAG gave his summary Proof which is available on the SVAG web site setting out SVAG's well-documented objections.

**John Alexander** for Nayland with Wissington Conservation Society gave his Proof which focused mainly on traffic issues in Nayland and minor routes in the Vale.

**Charles Aldous** for the Colne Stour Countryside Association gave his Proof which addressed policy issues and impact of the attraction beyond the Dedham Vale AONB.

**Chas Bazeley**, representing local families who had covenanted land to the AONB when it was formed, gave his Proof which addressed the original intent of the AONB and the extent to which Horkesley Park was contrary to this.

**Cllr Nigel Chapman** Chairman of the Dedham Vale and Stour Valley Project and ward Councillor for Great and Little Horkesley identified the substantial extent to which the claimed educational benefits of Horkesley Park are already available in the area.

**Steve Clarke** for Little Horkesley Parish Council gave his Proof showing *inter alia* that the adverse impact on Little Horkesley would be greater than any other village.

**Matthew Pescott-Frost** for Nayland with Wissington Parish Council highlighted the potentially adverse traffic impact on the village of Nayland in particular.

**Charles Clover** for the Dedham Vale Society gave his Proof detailing the adverse impact on the Dedham Vale and the history of the Society in successfully protecting the Vale against harmful development.

**Tim Yeo MP for South Suffolk** spoke for his constituents on the Suffolk side of the county boundary and the adverse affects it would have on the area, particularly in respect of traffic.

**Bernard Jenkin MP for Harwich and North Essex** spoke as MP for the constituency in which Horkesley Park lies. He pointed out the weaknesses in the original case made to the Councillors in February and gave his reasons for recommending rejection on policy grounds and traffic impact amongst other issues.

**Mrs G Francis** spoke as a resident of Great Horkesley and pointed out that Buntings had bought the agricultural land that would become the parkland within the last ten years.

### **5 Third Part Statements in support:**

None of these were presented as written Proofs prior to the hearing.

**Robert Leng** for Essex Chambers of Commerce discussed potential commercial benefits from the additional tourism and jobs.

**Martin Hislop** for himself discussed traffic impacts. He implied that the adverse impact had been exaggerated.

**Sir Bob Russell MP for Colchester** said that he was in support of the scheme in providing an additional tourist destination in Colchester and that it would help in developing business with China. The proposed Chinese Garden would be attractive to the Chinese community associated with Essex University.

**Geoffrey Baker** spoke in support as a Great Horkesley resident.

**Michael Roberts** spoke in support as a long-term business associate of Buntings.

### **6 Site Visit:**

There was a site visit on October 3<sup>rd</sup>. The Inspector was accompanied by Mr Hector Bunting, Karen Syrett and Sue Dodwell for the Council. Andora Carver and Will Pavry were also present as observers. There was an extensive visit to the site to review all its features, including the Chantry and site of proposed Chinese Garden, and view-points from various positions. This was followed by a tour of local roads which included Fishponds Hill, Water Lane (with stops for view-points), Nayland (Bear St and High St), Boxted, Vinesse Road, London Road, A134 to Mill Road and then access to J28 on A12 from Mill Road.

## **7 Closing submissions:**

Closing submissions were given by Mr Whipps for SVAG, Mr Collins for Buntings and Mr Pickles for Colchester Borough Council. These are all on the CBC web site.

The closing submission by Buntings was relatively brief and mainly a recital of the claimed benefits of the Horkesley Park proposal.

The closing submission by the Council was very extensive and covered all the issues raised in the Inquiry in great detail. This is a crucial document.

## **7 Costs:**

Applications for costs were made by Buntings, the Council and SVAG which were all subject of rebuttals. There was very considerable debate on these and the Inspector will eventually give his rulings.

## **8 Conditions, S106 Agreement, Unilateral Undertaking:**

Conditions that would apply in the event that the Appeal does succeed have largely been agreed between the parties.

There is no s106 Agreement in place as required by the Inspector. In the absence of this, Buntings can make a Unilateral Undertaking. This has to be in a form acceptable to the Council and signed by all parties who have any title to the land which is the subject of the Application. This Unilateral Undertaking has not yet been completed to the satisfaction of the Council and the Inspector therefore has delayed closure of the Inquiry until October 29<sup>th</sup> to allow this to happen.

## **9 Conclusion:**

The Appeal is a Recovered Appeal which means that the Inspector will make his recommendation known only to the Secretary of State who will decide the outcome. This decision will be made known early in 2014. We cannot pre-judge this decision but the fact that Buntings relied only on written Proofs and were not open to cross-examination will not have helped their case.

Finally I would like to thank so many people for giving up their time to support us at the Inquiry. The Inspector cannot fail to have noticed the weight of public opinion against the Appeal.

Will Pavry  
Chairman, Stour Valley Action Group.  
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