

Dear Mr Davies,

F/COL/05/1558 - Proposed redevelopment and change of use of Buntings Nursery site.

Thank you for sending the details of this application, which lies across the boundary of the nationally protected Dedham Vale Area of Outstanding Natural Beauty (AONB). I have outlined the opinion of the Dedham Vale AONB & Stour Valley Joint Advisory Committee below.

AONB Policy

The council has a duty under Section 85 of the Countryside and Rights of Way Act 2000: "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of **conserving and enhancing** the natural beauty of the area of outstanding natural beauty". **PPS 7 gives AONB's the "highest status of protection"** and states that major development should only be allowed in "exceptional circumstances".

Local plan policy (CR02 - Adopted Review CBC Local Plan 2004) demands that any **"development in or likely to have an adverse impact on" the protected area should be subject to "special scrutiny"**. The negative impact can be either "direct or indirect"; the policy also states that development that **"could"** have a negative impact will only be acceptable where there is an **"overriding national interest"**.

It is considered that the proposal will have several negative impacts on the AONB, these are outlined below. The negative impacts of this proposal and the fact there is no proven "overriding national interest" indicates the application is contrary to both local and national policy relating to the purpose of AONB designation and therefore the Joint advisor Committee objects to the application.

Scale, Form and Siting of Development

Although the application has been submitted as D2 leisure use ("Heritage and Conservation Centre") and it is stated that the retail element is "ancillary" there is a concern that the vast majority of the built development is devoted to A1 retail and A3 restaurant use. Using the figures for "internal areas" provided in the application, 16,627m² of the development is for retail (including a Garden Centre) and restaurant facilities compared with 4,888m² devoted to D2 leisure use. The application should therefore be considered with respect to policies relating to large-scale retail development (large-scale development is defined in the Essex Structure Plan as that greater than 2,500m² floor space). PPS 6 states: "Given their characteristics, **local centres will generally be inappropriate locations for large scale new development**, even when a flexible approach is adopted. Accordingly, it

is likely to be inappropriate in most cases to include local centres within the search area to be applied under the sequential approach for large-scale developments". The application site is not identified as being in or near a local centre in either the ECC Structure Plan or the CBC Local Plan. It is also not identified as a potential development site in either of the Plans and using the current national guidance would unlikely to be considered in the future.

PPS 6 also states that "**Need must be demonstrated** for any application.....that is not in accordance with an up to date development plan document." The document goes on to state "in the case of retail development it should relate directly to the class of goods to be sold from the development (business based cases will not be appropriate)." It is considered that the information contained in the application does not demonstrate the appropriate "qualitative or quantitative need" for the development as required in PPS 6.

The Adopted Review CBC Local Plan 2004 states "**It is unnecessary for large garden centres to have rural locations**, as they are often attached to other bulky goods retail outlets or sell a range of brought-in products such as garden buildings, leisure goods and landscaping products. They are better located within or on the edge of major towns, where accessibility is better and their visual impact is generally less. They will therefore be treated essentially as bulky goods retailing under Policy TCS11". There is also a presumption against retail development outside existing village envelopes: Policy TCS 13 "**New buildings for retail use will be allowed only within village envelopes. Car parking provision will be kept to a minimum**".

The scale and type of development in this rural area is considered inappropriate, particularly when the setting is immediately adjacent to and within the nationally protected AONB.

Tourism

The proposal is being presented as a new major tourist attraction that will draw over 750,000 visitors per year. The Essex Replacement Structure Plan states that: "**There is a presumption against major built tourism development within the countryside unrelated to existing settlements**". This is backed up in Policy LRT9 that states: "Proposals for **large-scale tourism** development involving substantial buildings or structures **should be located within or adjoining the main urban areas and seaside resort towns, on sites identified in adopted local plans**".

Major tourism development is defined in the Essex Structure Plan as those attracting more than 70,000 visitors. The application site is not identified in the Local Plan and is not related to any existing settlements. The current application is clearly contrary to this stated policy.

There is an assumption throughout the application that the development will be able to "absorb some of the existing and future visitor pressures in the Vale". This is referring to the existing "honey-pot" attractions of Dedham and Flatford. There is no evidence presented in the Environmental Statement of how this might be achieved. In fact the reverse of this situation could apply. That is, "Horkesley Park" is planning to spend an initial £750,000 to promote the site, one of the stated reasons for the current location is the connection with Constable. It would be reasonable to assume that a proportion of those attracted to the site would want to visit the actual location of Constable's home and work at Dedham and Flatford. Therefore, it is possible that the promotion of Horkesley Park could increase the pressure on these sensitive sites. Further work should at least be carried out to identify the potential impact of this scenario. This situation is closely linked to potential traffic impacts outlined below.

As background to this situation, the pressure of the Dedham / Flatford honey-pot is already recognised in the Adopted Review CBC Local Plan 2004 under policy CO11 that seeks to restrict development that could add significantly to existing numbers. It is considered that there could be a significant increase in numbers in the Dedham / Flatford area caused by the promotion and operation of Horkesley Park and this would be contrary to CBC Local Plan Policy CO11.

The application states that the development would have the beneficial effect of absorbing visitors from the existing "honey-pot". There is no stated objective in current tourism policy that the redistribution and dispersal of visitors to another focused attraction elsewhere in the AONB is desirable.

The application states that it would "provide major opportunities for countryside access within the AONB where there are few open spaces accessible to the public". This statement is disputed, within 3 miles of the application site there is the 80+ acre Arger Fen / Spouses Vale complex (jointly owned by Suffolk County Council and Suffolk Wildlife Trust) that is open to the public all year. The local Public Rights of Way network is also relatively dense and already promoted. These existing opportunities for "informal recreation" are also all free of charge unlike the application which purposes and unspecified entrance fee to the "Country Park".

Traffic

There are additional issues related to the scope of the Transport Assessment that need to be considered. The first relates to the obvious synergy between this development and the existing honey-pot areas at Flatford and Dedham as outlined in the Tourism section above. The potential for visiting Horkesley Park and Dedham / Flatford in one day are high, considering the similarity in the basic product and the "dwell time" in each location is limited (stated average visit to Horkesley Park is under 3 hours). One of the obvious routes between the sites to

see more of the local countryside and "Constable Country" is either via the B1087 and B1068 or via C class roads through the parishes of Boxted and Langham. These are minor rural roads, including some "protected lanes", within the AONB. Any potential increase in activity could have an adverse impact on the area, contrary to CBC Local Plan policies CO2 and CO7. These impacts need to be investigated further. CBC Local Plan objectives state **"To ensure that flows and volumes of traffic do not exceed the environmental carrying capacity of built-up areas or open countryside, especially in respect of the Dedham Vale Area of Outstanding Natural Beauty"**. This issue was raised by CBC with the applicant at the scoping stage of the EIA, but has not been considered as part of the Environmental Statement.

The second issue related to the Transport Assessment is the assumption that all traffic will approach the site from the south along the A134 and there will be no impact on adjacent minor roads. This seems unlikely and does not take into account of the potential impact of 750,000 visitors could have on the rural road network within the AONB. There is also no consideration of the relevant policies of Suffolk County Council in relation to the highway implications - the county boundary is less than 0.5 miles from the application site.

A further issue relates to the provision of enhanced public transport and green travel plans to encourage non-car visits to the development. **CBC Local Plan Policy T5 states "Proposers of major residential and/or commercial development will be required to put forward suitable proposals for the enhancement of local public transport services, backed by financial contribution"**. The current application only undertakes to "discuss" the enhancement of the existing local bus service and to "subsidise" a shuttle service to link with Colchester and its rail station. This level of commitment is considered unsuitable for a major development in order that it comply with the Local Plan objective "To reduce significantly the number and length of trips that are made by private car".

These issues leave a question about the potential wider traffic impacts of the development, especially related to the AONB. Any potential negative impacts need to be investigated in more detail.

Landscape

The conservation and enhancement of the landscape is the primary purpose of the AONB designation and is given the **"highest status of protection" in PPS7**. Local Plan CO2 policy states **"Where such development (within an AONB) could have an adverse impact, directly or indirectly, on the area, it will be acceptable only where an overriding national need for the development in that particular location can be demonstrated and there is a lack of acceptable alternative sites"**.

Considering the sensitivity of the proposal and particularly the need to clearly illustrate the potential impact of the development on the AONB, colour photomontage pre and post mitigation planting establishment should be provided. This would be in addition to the current written description and should simulate the appearance of the proposal from the identified viewpoints (reference Topic 10 of the Essex Guide to EIA). Related to this issue is the lack of a full tree survey detailing the management of existing trees (especially during construction) and any trees that would be removed. Any potential loss of existing tree cover could negatively effect the AONB landscape.

There is a lack of detail (design, siting and materials) in the landscape proposal with regard to "The Hollow" play area, boundary fencing, path/road layout and surfacing. Many of the "informal recreation" areas are on the highly visible valley sides. The creation of new surfaced roads and paths; fencing of horse pasture and security fencing the existing Public Rights of Way would break up the traditional boundaries of the landscape and could be visually intrusive. In addition, it is stated that visitors would be transported around the site in vehicles. The impact of a high level of vehicle movement (and the surfaced roads required) on the slopes would be visible for some distance within the AONB.

The issue of lighting is examined in the Environmental Statement and the "Baseline Assessment has been carried out assuming the use of the glass houses is "pig and poultry farming using an extended day length". This is not a current use of the site, furthermore it is stated in the application that the site has not been operational for horticultural use since 2000. It would therefore be reasonable to assume the baseline should be the existing light generated by the site not its maximum potential. A further examination using this revised baseline needs to be carried out in order to accurately assess the impact of the development.

The issues outlined above could negatively effect the nationally protected AONB landscape making the application contrary to the primary purpose of AONB designation as well as national regional and local planning policies.

Future Implications

The application includes the building and restoration of Stour Lighters and suggests that the public would be able to take journeys along the River Stour. The current application site does not include access to the river at any point. This leads to the assumption that the site won't have to be extended beyond the current boundary in order to fulfil its stated aims. The impact of further development and large numbers of visitors within the AONB would need to be considered in detail. At this stage the applicant explain if it is intended to use barges on the river. If this were part of the operation of Horkesley Park, further detailed work would need to

be undertaken to account for the potential environmental impacts. This is particularly relevant, because the applicant owns land that links the proposal site to the river.

The siting of the built development immediately adjacent to the AONB boundary on three sides is of concern with regard to future development. Any expansion in car parking or built development may be likely to have a direct impact on the landscape of the AONB.

It should be a requirement to include an appropriate redundancy clause. This would aim to restore the land within the AONB to its current condition should the development, or an element of it, become redundant.

Conclusion

The Dedham Vale AONB & Stour Valley Joint Advisory Committee (JAC) objects to the application on the grounds that elements of the current proposals are contrary to national, regional and local planning policy relating to the primary purpose of AONB designation. The JAC also has the opinion that the Environmental Statement does not adequately examine the potential impact of the development. This particularly concerns the lack of detail in the Tourism Assessment, Transport Assessment and the Landscape and Visual Assessment.

Yours sincerely

Matt Hullis

Operations Manager

matt.hullis@et.suffolkcc.gov.uk

For and on behalf of the Dedham Vale AONB and Stour Valley Joint Advisory
Committee

www.dedhamvalestourvalley.org