

Nayland with Wissington Conservation Society

A Summary of the Horkesley Park Appeal Hearing 1-4th October 2013

The Hearing took place over 4 days, 3 of which were at the Langham Community Centre and included a site visit on Thursday 3rd October, which the Hon Secretary attended at the request of Will Pavry.

Day 1: Introduction and Opening Statements

The Inspector, Colin Ball, stated he was looking for 3 key issues:

1. Sustainability
2. Impact on the Dedham Vale AONB
3. Other material considerations against the adopted plan. (ie. the Colchester Plan and the NPPF.)

Colchester Borough Council (CBC) were represented by **Simon Pickles**, counsel, and supported by CBC specialists, **Christopher Hargreaves** of Vectos – sustainability/accessibility, **Susan Dodwell** of Woolerton Dodwell Associates – landscape/visual amenity (who attended the site visit), **Jill Britton** of Britton McGrath – visitor numbers and **Karen Syrett** of CBC who attended every day including the site visit. Karen Syrett's new role at Colchester Borough Council (as from Tuesday October 1st) is that of Place Strategy Manager, overseeing Development, Planning and Housing for CBC.

Buntings had announced 3 working days before the start of the Hearing that their pre-development funds were used up so they would not be legally represented (and this was a major issue referred to in Simon Pickles' closing submission) nor would they be calling any expert witnesses. Mr. Tony Collins, their planning agent, attended part of the time and made a closing submission on their behalf.

Days 2 & 4: Submissions by 3rd Party Objectors and Supporters of Buntings.

The third party objectors were, **Katherine Potts** representing the Dedham Vale AONB & Stour Valley Project,

John Alexander, Chairman, spoke on behalf of the Nayland with Wissington Conservation Society about the impact of traffic on the lanes of the AONB in general and Nayland in particular. This statement was very well received and set out the Society's views clearly and simply

Will Pavry, Chairman of SVAG spoke extremely well for The Stour Valley Action Group, which was formed 12 years ago to fight the original application for a Constable Heritage Centre. He also highlighted the many reasons why the Appeal should be dismissed.

Charles Clover, Chairman of the Dedham Vale Society ended his statement by quoting Raymond Erith: "if the Dedham Vale is not worth keeping, then nothing is",

Charles Aldous, Chairman, Colne Stour Countryside Association, representing 600 members who live chiefly OUTSIDE the AONB.

Steve Clarke for Little Horkesley PC, "this would be the second great disaster in the 1,000 years history of the village, the first being when the church was destroyed by enemy action in WWII".

Matthew Pescott Frost for Nayland with Wiston PC. He made an excellent statement, likening Horkesley Park to putting an aquarium on the Great Barrier Reef and charging for entry. He also highlighted the traffic and visitor impact on the historic village of Nayland and the surrounding countryside.

Chas Bazeley spoke on behalf of local families who covenanted their land to the National Trust which enabled the Dedham Vale AONB to be created.

Tim Yeo MP, who stated that when he was planning minister he had experience of assisting the Secretary of State in determining planning appeals. He ended by asking the inspector to “reject the Appeal and by doing so you can ensure that these historic features are kept for future generations”.

Bernard Jenkin MP, who also gave an excellent speech, started by saying that he had never before appeared at a planning enquiry. He ended by stating that the “relevance of the Chinese Gardens to Suffolk Punches and Constable is somewhat baffling” and “It is with some regret I ask you to reject the appeal.”

Councillor Nigel Chapman, ward member for Langham, Great and Little Horkesley and Chairman of the Stour Valley Project was concerned about the so-called education benefit offered at the site and stated that the studies referred to in the application are already provided by much of what is done by the Stour Valley Project and available elsewhere in Colchester Borough.

Mrs. Goldie Francis of London Road, stated that the land for the country park has only been in the Bunting ownership for less than 10 years and it was bought specifically for the Horkesley Park project.

Supporters of Horkesley Park also spoke:

Robert Lang, Essex Chambers of Commerce – Visitors to Colchester need more attractions to keep them overnight. 4.7m visitors to Colchester but only 225,000 stay overnight.

Martin Hislop, former chairman of the European Roads Committee (which now does not exist) stated that visitors would access the site via the main road (A134) and the Cuckoo Lane Park & Ride scheme could be used with people using bicycles from there to the site.

He stated that A134 traffic volume is predicted to double in the next 5 yrs. anyway, which negates tranquillity of the Vale. Tourists will not go during peak traffic times, so the traffic will have no major impact.

Sir Bob Russell MP also spoke in favour, stating that there were over 1,000 Chinese/Hong Kong students at Essex University who would like to visit the Chinese Garden.

Geoffrey Baker, Great Horkesley resident spoke in favour, stating that more visitors would enable the church to be open more and help with security.

Michael Roberts, ex director of Battersea Power Station and long-standing business associate of Stephen Bunting.

Day 3 Site Visit:

The Inspector, Hector Bunting, Karen Syrett, her assistant, Sarah, Susan Dodwell, Will Pavry and Andora Carver attended the accompanied site visit on Thursday 3rd October. They walked round the greenhouse site, identified footpaths through the site, visited the inside of the Chantry (which is not a listed building) and toured the walled garden and the site of the Chinese Garden, which is planned to “wrap around” the area outside the garden walls although Hector Bunting could not give any details. This was followed by a drive down Fishponds Hill, and Water Lane (stopping at various view points), a drive through Nayland, where the on-street parking in Bear Street and the High Street was particularly heavy. They drove through Boxted, then back to the site. Fishponds Hill (again), Vinesse Road, London Road, the A134 to the new housing development at Great Horkesley and then up Mill Road etc. to J28 of the A12. This showed how convoluted is the route from the A12 to the A134.

Day 4: Further third party statements, closing submissions, costs applications

Presentations were given by Charles Clover for the Dedham Vale Society, Tim Yeo MP, Bernard Jenkin MP, Michael Roberts and Mrs. Goldie Francis as referred to above.

Closing statements were then made for SVAG, Buntings and the Council.

The statement given by Mr. Collins for Buntings was a recital of the so-called benefits of Horkesley Park that we have all heard before. This statement was characterised by Mr. Pickles for the CBC as no more than a verbal 'Proof of Evidence' as Buntings had chosen not to participate actively in the Inquiry.

The statement made by Mr. Pickles for CBC was very detailed and extensive and dealt with all the policy issues which had to be considered by the Inspector.

The main issues which emerged were:

90% of visitors would arrive by car, many of them using sat navs systems to access the site with resulting impact on lanes and villages in the AONB.

The effect on the protected landscape of the AONB would be devastating. Great weight is given to enhancing the landscape of the Dedham Vale AONB and the scheme is contrary to DP22, DP1 Env1 & 2 and para 115 & 116 of the NPPF. It would also be in conflict with the the Dedham Vale Management Plan

It would have a detrimental and urbanising effect on the character of the landscape.

The Chinese Garden is an alien element unconnected to the landscape and to the Georgian house and garden.

The plan is unlikely to be financially viable or deliverable and if so would result in a site with D2 leisure permission which could be developed for even more inappropriate uses in future.

Details of the Chantry Art Gallery and Chinese Garden (reserved matter) are conspicuous by their absence

Conclusion:

The benefits would be outweighed by disbenefits

Planning balance is strongly weighted against granting permission
Jobs and tourist benefit may have some limited merit.

Applications for full costs were made by all 3 parties and were hotly contested.
The Inspector will decide!

Discussion followed regarding possible procedural inconsistencies at the Planning Committee Meeting. But it was pointed out that Buntings could have asked for a Judicial Review, at the time, but did not.

Simon Pickles, in his closing submission stated that although Buntings knew there would be a public inquiry and would require legal representation, they had a long- standing inability to pay for previous legal and professional representatives.

The Inspector then tried to close the Inquiry.

However he rescinded this as no Section106 agreement is yet in place. This can be substituted by a Unilateral Undertaking. The wording of this has not been accepted by the Colchester Borough Council and it has to be signed by all who may have title to the property concerned including possible mortgagees. In view of this the Inspector postponed closure of the Appeal

Hearing until October 29th and said he expected further matters to be dealt with by correspondence.

If it became necessary, he would re-convene the Inquiry on that date.

The Inspector stated that he would give his recommendation to uphold the Appeal or dismiss it, to the Secretary of State in early 2014. The Secretary of State will then make a final decision on the matter when he has studied the Inspector's report. This may not follow the Inspector's recommendation.

Full details of the Appeal Documents, and Submissions may be found on the Colchester Borough Council website under Horkesley Park Planning Appeal.

Finally, very many thanks to all those members of the Society who attended the enquiry. Your support is much appreciated.

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| 1 st Day | 26 members from Nayland and Wiston | (over 80 objectors present) |
| 2 nd Day | 22 members “ | (about 50 objectors present) |
| 4 th Day | 18 members | (35-40 objectors present) |

NB. There were only 1 or 2 supporters on Buntings' side apart from those speaking in support of the Appeal and members of the Bunting family.

NB The Chantry has been granted Grade II Listed Status by English Heritage with effect from 6th October 2013. The Inspector will be informed of this development by Colchester Borough Council.

Hon Secretary
Nayland with Wissington Conservation Society