



COLNE – STOUR

COUNTRYSIDE ASSOCIATION



Development Manager
Causeway House
Bocking End
Braintree
CM7 9HB

5TH April 2018

Dear Sir,

Re: Application 17/02291; - Land East of Colchester Road, Bures Hamlet.

1. The site covered by the above application lies within the area covered by the Colne Stour Countryside Association. The Association strongly objects to this application for the very same reasons as it opposed the inclusion of this site in the Local Development Plan; reasons which the planning sub-committee agreed with.
2. By the time this application is determined, the Association is uncertain of the extent to which Braintree will fall short of the 5-year housing supply target, applying the “Sedgefield” test.
3. Nevertheless, the Association contends that the Applicant is seeking to take unfair advantage of what is a temporary inability to meet the 5-year target. The Planning sub-committee only recently decided unanimously to remove this site as unsuitable for development from the New Draft Local Plan. It did so for two principal legitimate reasons: (1) that the combined villages of Bures Hamlet and Bures St Mary do not have the infrastructure (shops, schools, surgery etc) to sustain such a development, and (2) that, if allowed, it could create a significant risk to achieving the AONB extension. Braintree not only unconditionally supports the extension, but recognises the important environmental, social and economic benefits it will bring, **(see para 8.27 of the Publication New Draft Local Plan)**.
4. It is accepted that where the Planning Authority has failed to provide the required 5-year housing supply, there is a presumption in favour of sustainable development. The presumption can, however, be displaced not only where specific policies in the NPPF indicate that development should be restricted, **but also where related policies in the Local Plan also so indicate.** (see Suffolk Coastal District Council v Hopkins Homes Ltd; Supreme Court 10th May 2017; per Ld Carnworth para 14, and Ld Gill para 85.). **NPPF para 14.**

Chairman: Charles Aldous QC, Ravensfield Farm, Bures, Suffolk CO8 5DP. Tel: 01787 227881
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Patron: George Courtauld, D.L. President: Jeremy Hill

5. The **NPPF** states: -

- (i) as a core planning principle, the need to *contribute to conserving the natural environment* and when allocating land for development *preferring land of lesser environmental value* (**para 17**); and
- (ii) that policies should *contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes* (**para 109**);

Although the site is yet to be within the AONB, the importance of not prejudicing the supported extension is reinforced by the terms of **paras 115** and **116**, which would by themselves rule out this application were it now within the AONB.

The AONB Partnership has commissioned an independent study which identifies the area towards Lamarsh and Henny (including the area covered by this application), as suitable for applying for AONB status. (see further below).

- 6. **CS5 of Braintree's Core Strategy** states that development outside the village envelope will be strictly controlled to uses appropriate to the countryside in order to protect and enhance the landscape.
- 7. **CS8 of the Core Strategy** again stresses the importance of protecting the Natural Environment and the need for any development to enhance the locally distinctive character of the landscape.
- 8. Further, where, as here, Braintree's New Draft Local Plan has been published without any unresolved issues relating to protecting the environment and such policies not only reflect the earlier policies but, importantly, the principles in the NPPF, the New Draft Local plan should carry considerable weight; **NPPF para 216**. (see again LLds Carnworth and Gill).
- 9. **Paragraph 8.27 of the Draft New Plan** states: -

The upper Stour Valley, adjoining the AONB, partly located along the north and east by the fact that it is part of the wider project area covered by the Dedham Vale AONB and Stour Valley Project. The impact of development proposals in the upper Stour Valley will be particularly carefully assessed in light of the sensitive nature of this landscape. Proposed developments here should support the wider environmental, social and economic objectives as set out in the Dedham Vale AONB and Stour Valley Management Plan and should not prejudice the long term aim to enlarge the area included within the AONB designation

- 1. Significantly, the proposed site lies within the area governed by the Dedham Vale AONB & Stour Valley Management Plan 2016-2021. Though a matter principally for the Dedham Vale AONB & Stour Valley Partnership, the respects in which this development is contrary to the objectives set out in the Management Plan or may prejudice the aim to extend the AONB is a matter which should be given "significant weight" (**see para 47 of the Inspector's decision in appeal APP/Z1510/W/17/3173352- land at Steeple Bumpstead**).

- 1. In several important respects the Applicant's Planning Statement is materially wrong in the approach it says Braintree should take. For example, in paragraphs 4.4.7, 4.4.12 and 4.4.16 it

wrongly asserts that the Core Strategy and Development Plan should both be regarded as “out of date” because of the absence of a 5-year housing supply. Policies such as referred to above for the protection of the environment should not be classified and treated as “out of date”, as was made clear by Ld Carnworth at paras 54-57. Likewise, the Planning Statement wrongly attempts to downplay the importance of the environmental provisions in the New Development Plan, as set out above, tries to dismiss the extension of the AONB as being in the future and therefore *not a consideration at present* (para 5.6.2), and grossly overstates the facilities said to be within the village in an attempt to support its case on sustainability.

2. Not only is the village unable to sustain such a radical development of this size (said to represent a 30% increase in housing), but, if allowed, it could materially damage the ability to obtain the AONB extension.
3. Contrary to the impression set by the Applicant’s Planning Statement, Bures already has grossly inadequate available parking. The Railway Station carpark is overflowing, commuters are having to park in some of the few available parking spaces elsewhere in the village, those having to visit the village from outside are already finding it very difficult to park. During the beginning and end of school the roads are congested. There are no other available sites to allow for more cars. The Statement grossly overstates the other facilities. The only shops are what may be described as a newspaper shed and a part time delicatessen selling sandwiches, baguettes and the like. The small Doctors surgery is already full to capacity, with residents complaining over the difficulty in getting appointments. The school could not accommodate a development of this size. These are not mere assertions. There are over 100 objectors registered on the planning site, most from within the village, who are acutely concerned over the lack of facilities and the damaging effect this development would have. Such a development would most certainly not *enhance and maintain the vitality of the local community* (as claimed in paragraph 5.4.9).
4. In so far as there may be need for some additional affordable housing within the village, there are already several smaller brown field sites within the combined village which will inevitably come forward for development within the near future; rather than allowing development on good quality agricultural land outside the village “envelope”.
5. I have ascertained that the evidence given by Robert Erith, Chairman of the Dedham Vale AONB and Stour Valley Partnership remains as valid today as when he gave it at the sub-committee hearing when the site was removed from the Draft Plan. The Partnership, supported by Braintree, is the statutory body established to protect and manage both the AONB and the upper Stour Valley to the North West and custodian of the Management Plan. In July 2016 the Project commissioned a report from Alison Farmer Associates, a leading landscape agency, recognised as experts on landscape designations. The report entitled *Special Qualities of the Dedham Vale AONB-Evaluation of the Area between Bures and Sudbury*, concluded that the bulk of the land between the present boundaries of the AONB and the Northern edge of the parish of Lamarsh met the criteria required by Natural England for AONB status. This evidence has been shared with Natural England.
6. Mr Erith spoke to Ms Farmer who explained that the special quality of the present village of Bures is the way it sits in the landscape in a most attractive setting and that if the village was extended along the Colchester Road as threatened, that special quality, so important to achieving AONB status, would be lost. This proposal, as with the previous inclusion of this site in the Development Plan, would seriously jeopardise the prospect of achieving AONB designation. This is a risk which must not be taken.
7. The importance of extending the AONB from the environmental, economic and social aspect cannot be overestimated. The objective is to get the extended area to be known as “Gainsborough Country”, in much the same way as the Dedham Vale is associated with

Constable; in due course obtaining for the District many of the substantial benefits as are currently derived by Babergh and Colchester from the existing Dedham Vale AONB. The landscape and environmental qualities of this area were fully recognised by, for example, National Grid in its decision not to prejudice the extension by deciding to lay the new power lines underground. The opportunity to extend the AONB, with its enormous benefits to Braintree, is not just for the present but for the enjoyment of generations to come. It must not be lost.

8. This site, which is unspoilt good quality agricultural land, lies in an important rural landscape. The setting, with lovely views to it across the valley from the Suffolk side and its approach to what is still a most attractive rural village astride the river should be preserved and not radically altered by what is, on any basis, a huge development. Even in cases where the 5-year housing supply may not have been met, protection of this site is required by both the Local Development Plan. The environmental protection policies in both the NPPF, the Core Strategy and New Draft Development Plan should attract considerable weight. (see again both the Supreme Court decision and the reasoning of the Inspector in the Steeple Bumpstead appeal).
9. This Association urges Braintree to refuse these proposals.

Yours sincerely,

Charles Aldous (Chairman).