

FAO: Mr Roger Clews
Planning Inspector

Care of:
Mrs A Copsey
Programme Officer
Longcroft Cottage,
Bentley Road,
Weeley Heath,
Clacton-on-Sea,
Essex
CO16 9BX

1 December 2017

Dear Mr Clews,

Re: Response from North Essex Authorities to a letter from Wivenhoe Town Council to the Planning Inspector on Garden Developments

Wivenhoe Town Council submitted a letter to the Planning Inspector dated 14 November 2017 regarding 'Garden Developments' and the Inspector has asked for a response from the North Essex Authorities (NEA).

In terms of point (1) raised in the letter, Section 1 of the Local Plans provides the strategic spatial strategy and context for development across Braintree, Colchester and Tendring. There are four policies applicable to Garden Communities SP7, SP8, SP9 and SP10. The NEA have provided responses to the Inspector's Section 1 Matters, Issues and Questions (submitted 4 December 2017), which address the general points raised by the Wivenhoe Town Council and will be further explored by the Inspector at the examination hearings in January.

In terms of point (2) raised in the letter, Section 1 policy SP8 (D. Transportation, point 9) states '*Primary vehicle access to the site will be provided off the A120 and A133*'. At this point there are no definite junctions for the link road and the most appropriate location will be determined through the preparation of the Development Plan Document (DPD) for the Garden Community. Indicative junction locations are shown in the 'Issues and Options Report' for the Tendring Colchester Borders Garden Community currently out for public consultation (13 November 2017 to 22 January 2018), but at this early stage of DPD preparation exact junction locations are yet to be established and agreed.

It is incorrect to state that the Colchester Rapid Transit Study 2016 (Ref CBC/0047) concluded that 'nothing of substance is actually practicable or affordable'. The Study appraised four options for rapid transit and presented a strategic outline business case covering project costing, demand forecasting and economic appraisal. The Study recommended continuing to develop the case for options that performed best in terms of affordability, Net Present Value (NPV) and Benefit/Cost Ratio (BCR). Furthermore the Study specifically acknowledged that by adding in a potential route between development at Marks Tey to the centre of Colchester this 'could add justification to a strong, dedicated, east-west through corridor. To progress this work, a North Essex

Rapid Transit Study has been commissioned to appraise options at all three Garden Communities and will be available on 22 December 2017.

Essex County Council (ECC) advises that the Colchester Park and Ride (P&R) (located near A12, Junction 28) is attracting demand as expected and forms a key element of Colchester's transport infrastructure going forward. New P&R facilities for the Garden Community will be explored and confirmed as part of DPD preparation for the Garden Community. In any event P&R removes vehicles from the network and helps reduce congestion.

In terms of point (3) raised in the letter, Local Plan retail policies for Colchester are contained in Section 2, and will be addressed and discussed as part of the Colchester Local Plan Section 2 examination hearings. The broader suggestion that the transport planning for Colchester is now a 'fully car-based future' is completely refuted as is evidenced by, amongst other matters, the continued work on the North Essex Rapid Transit Study.

Yours faithfully,

Ian Vipond
Executive Director
Colchester Borough Council
On behalf of the North Essex Authorities

WIVENHOE TOWN COUNCIL

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14 November 2017

Dear Mr Clews,

Re: Garden Developments.

Wivenhoe Town Council need to ask about a number of issues regarding the scope of the Section 1 hearing. We note that you will shortly be sending out the principal pre-hearing communication to all parties, and thought it best to write prior to that.

Wivenhoe Town Council did in fact write previously to the Head of Planning Inspectorate on 29.9.17 (prior to your appointment being known) re some of these points, however there has been no reply and in any case things have moved on.

(1) We note the comments in ss. 6 and 9 of your 16.10.17 letter to the councils, but remain unclear as to the extent to which the Section 1 hearing can consider in any effective way the case for each of the three garden developments individually (as distinct from the general policy of focusing new housing in a few such developments rather than spread across the area at large). As you know, the councils have made clear that no hard evidence is to be presented by them at this stage on the practicability of each garden development in its local context; this will only be done at the SGDPD stage.

In the circumstances the only rational way in which any sort of 'approval' could be given for any of the three proposed settlements individually, in the inspector's recommendations / the SoS's decision after this first inquiry, would seemingly (?) be on the basis that they are approved only provisionally, with the councils required to

demonstrate at the SGDPD stage that they are practicably possible in the overall local contexts without unacceptable impacts (as well as practicable on the exact sites and layouts subsequently chosen); with the conditional approval being countermanded should they prove not to be so.

The councils surely cannot be allowed to get to the SGDPD hearing on the basis that they already have ‘approval’ for any of the three sites without having produced any evidence on practicability, as that would then leave them free to admit that none of the mitigations were actually achievable, but claim that it was no longer permitted for that fundamental problem to be discussed, because ‘approval has already been granted’.

(2) However, in the case of the transport aspects of the Tendring/Colchester development (and this development only) a different situation applies. The road links to this development are already definite (junctions with the A120 and A133 at known points); ten years of studies have already been done into the purported ‘rapid transit’ link, ending with the 2016 report concluding that nothing of substance is actually practicable or affordable; and the inability of Park & Ride ideas to achieve anything in Colchester at busy periods is also now proven. As these unachievable things are still claimed by the councils as the vital mitigations to the traffic problems that the development would otherwise create, it is possible to already demonstrate at this inquiry that the Tendring/Colchester development is not in fact practicable. Could it therefore be confirmed that this will be a matter within the scope of the inquiry?

[In contrast the roads situation at the other two developments remains vague, and the notions of ‘rapid transit’ for them have yet to be investigated beyond the ‘very airy ideas’ stage; so it is not yet possible at this stage to conclude that either of the other two developments is or is not definitely im/practicable on the transport front].

(3) There have been massive changes in CBC policies since the submission Local Plan was published in the summer. At that time the council was still advocating the concentration of retail activity in the town centre, as per national planning policy and all previous CBC planning.

However, since the government’s allowing of the appeal on the Tollgate out-of-town retail scheme (which CBC had previously correctly refused on grounds of conflict with national and local policies), the council has wholly reversed its position in an extraordinary way – not even waiting for the outcome of the judicial review now pending, which is being treated as a matter of national import given the conflict between the SoS’s decision and accepted policies.

The leader of the Council has now made public statements (attached) advising that CBC considers the SoS to have been correct in allowing the appeal; that future retail development will be concentrated on Tollgate and not in the town centre; and that accordingly they have abandoned the Vineyard Gate retail development which has been the cornerstone of town centre policies for some 15 years and is still claimed to be so in the current submission Local Plan.

Clearly some guidance is needed as to where things stand, with the Plan now being out of date on such vital matters.

These things are no doubt principally for the Section 2 hearing, when considered per se. However they cannot be ignored in the Section 1 hearing, because of the impact on transport policy. Obviously the claim by the councils that the impact of the garden developments would be mitigated by the residents undertaking an unprecedentedly low % of journeys by car was already heavily lacking in credibility, and nothing could have been achieved in that direction without a major change in transport planning to free Colchester from its present car dependence. But now that it has been decided to switch future retail development to the almost-wholly-car-based Tollgate (where it is admitted that only a tiny % of visitors will use other modes, compared to what would be the case if the same facilities were in the town centre), all credibility has been lost. It is clear that in the last few months a de facto decision has emerged that Colchester is to be tipped into a fully car-based future (and consequent ever-worsening congestion), rather than tipped the other way as was vital for any large population increase to be viable. (In addition to Tollgate, CBC is itself proceeding with a car-based 'Northern Gateway' leisure development including what will become the town's main cinema; and other peripheral developments continue to be approved). Even if 'rapid transit' did appear between the east garden development and the town centre, people's destinations will be increasingly elsewhere.

We are unsure whether the 'rules' permit you to do more than 'acknowledge' this letter; in any case the matters in question need to be known to all parties to the hearing and not purely to us.

We have not as yet copied this to any other parties, but that will no doubt be appropriate.

We await confirmation that this letter has been received and a response if possible to the queries and concerns above.

Yours faithfully,

H Humphreys (Town Clerk)

PP Peter Kay
Transport Representative
Wivenhoe Town Council



83 comments

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LONG-AWAITED plans for a £70 million town centre shopping precinct have been dropped.

Vineyard Gate has been on successive Colchester Council administrations' priority lists since plans were first mooted in 2002.

But it has been held up due to the global economic downturn and despite repeated attempts to resurrect the plans, council bosses have now admitted the high-profile scheme has been dropped.

The *Gazette* has already revealed the project has had to go back to the drawing board as a result of the controversial Tollgate Village plans being given the go ahead by a Government planning inspector.

But speaking during a meeting of all councillors on Wednesday night, authority leader Paul Smith said admitted the scheme is now dead.

He said: "It is quite true that following the Tollgate Village decision, retail development in Colchester does seem to have seen a downturn.

"As a result I suspect a large retail development is not likely to be taking place in that area in the foreseeable future."

Mr Smith did add he hoped the area could still be rejuvenated given the investment the council has already made in it, including setting aside £5 million to buy up land in Osborne Street and St Botolph's Street which would be used in the Vineyard Gate development.

But Mr Smith said the properties which have already been bought have tenants in them so the council can continue to take a rental income while an alternative blueprint is found, which could include a residential scheme.

The council leader added: "Had the Tollgate appeal not been upheld, the development at Vineyard Gate would have been a very high priority for us but we will certainly be looking at other ways to develop that area."

He also denied accusations from opposition councillors over his administration's "failure".

Mr Smith added: "Let's be fair, the Conservatives had an administration during the time Vineyard Gate has been on the agenda.

Couple's crash aid

A COMMUNITY came together to help pull vulnerable people from a two-car wreckage.

The crash happened in Berechurch Hall Road at 6.50pm on Tuesday, and a number of people were trapped.

Eloise Perry, and her husband Adam, heard the crash outside their home and rushed out to help.

They saw two elderly people in one of the cars, trying to get out.

Mrs Perry, 35, said: "A lady in a white car was trying to get out, the airbags had gone up.

"We could smell burning and we decided we needed to get them out."

After making sure the elderly couple were out of the car they went to check on the driver and passengers in the other vehicle.

The couple believe the driver was a carer who had been carrying a number of vulnerable adults.

Mrs Perry said: "They were all crying and panicking and the carer couldn't get out of the car as the front door had been wedged in.

"We got him to climb through and my husband helped the people out the back.

Although she has been in a carer's role for 12 years, she said it was still a "hard" experience.

She said: "A lady let everyone into her house after for a cup of tea, it was really nice to see everyone pull together.

"The fronts of the cars were demolished, it was horrendous."

The couple sat with the casualties for an hour

Changing face of

Back to drawing board on £70m Vineyard Gate bid

By Ryan Jennings

ryan.jennings@newsquest.co.uk

AMBITIOUS plans to build a £70 million open air shopping centre could be scrapped in favour of more restaurants, a council boss has admitted.

Vineyard Gate shopping centre has been on the cards for almost two decades but has been consistently caught up in delays.

Colchester Council bosses had hoped fresh designs put forward last year would lead to increased interest from a developer and from prospective retailers.

However, concerns were raised at the time that interest had cooled on the scheme as a result of the uncertainty over the controversial Tollgate Village plans.

Those plans were eventually given the green light in August.

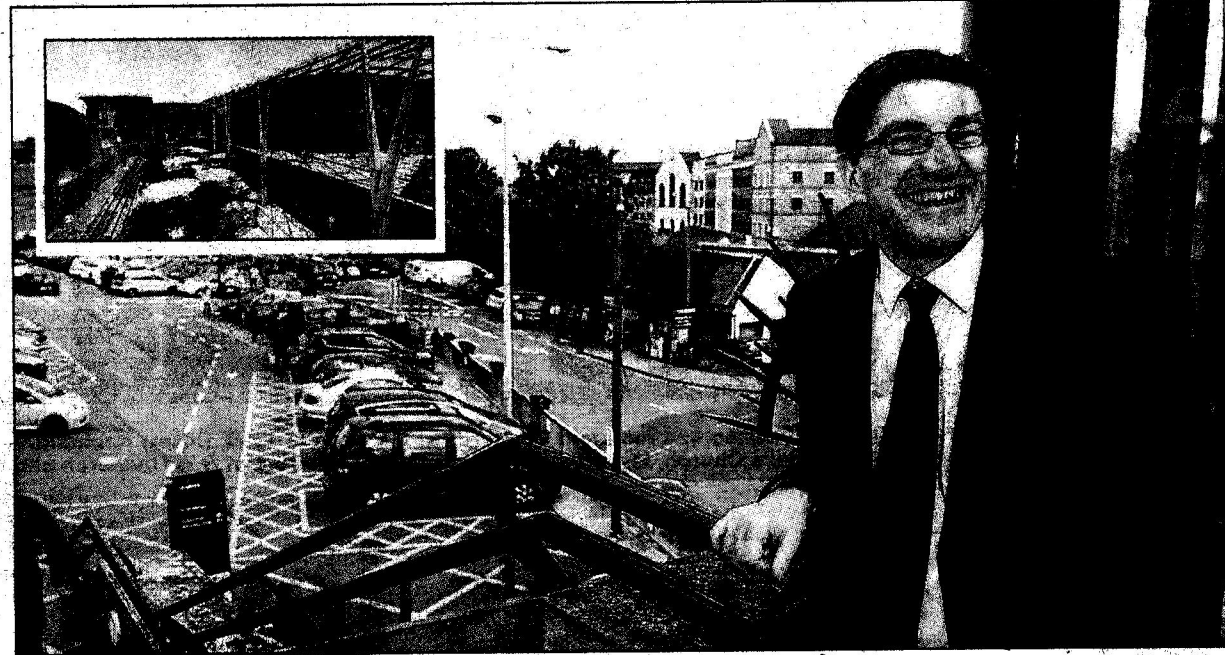
Now Colchester Council leader Paul Smith has admitted: "I think it is now fair to say people are less keen about coming to Vineyard Gate.

"It is pretty obvious there is a great deal of retail at Tollgate Village.

"Where there was once one option for retail space in Colchester, there are now two and the growth is much greater in Tollgate than in the town centre.

"It certainly means we will have to re-think the whole Vineyard Gate concept.

"We are back at the drawing board really.



PLAN RETHINK: Colchester Council leader Paul Smith earlier this year at the Vineyard Street car park, announcing news of land being bought. Inset - artist's impressions of the proposed scheme

"We are still committed to there being development on that site, but we will have to look closely at what would go there.

"It's pretty clear a retail-led scheme may not work there, so we will have to look at what will.

"Perhaps something which is being mooted for the former Co-op building would fit the bill better - a more leisure-led scheme."

Mr Smith also pointed to a report written by planning inspec-

tor Kenneth Barton, who opted to allow the Tollgate Village scheme to go ahead, which acknowledged there would be an impact in the town centre.

But Mr Barton said the benefits of Tollgate Village would outweigh the drawbacks on the town centre.

Mr Smith added: "He was right. And now the big retailers are looking at Tollgate Village, which obviously has a lot of space for

a lot of retailers. People know there is going to be a big retail expansion in Colchester but it is not going to be in the town centre."

Colchester Council owns much of the land around Vineyard Gate but there are outstanding properties which are still in private ownership.

A main developer is yet to be appointed after the authority cut ties with the Caddick Group.