

## **Objection guide for local residents - application 20/00594/FUL**

Please submit your objection in response to application 20/00594/FUL NOT the other reference.

If you also wish to object to the other application - 21/02042/EISCR - do so on the grounds that “I believe - due to its location, scale and nature - that this major development is likely to have significant environmental effects and therefore an Environmental Impact Assessment should be required.” A bit of local pressure wouldn't hurt but that's all you need to say.

The key grounds of objection are below. We will be covering all of these on behalf of the Parish Council so please feel free to pick and choose any that are relevant or of particular concern to you! It's quite a long document so it might help you to text search (Ctl + F) keywords like bats/ footpaths etc.

### **Footpaths (more on footpaths later in this doc)**

The more local residents who express that they use/appreciate the public footpath (see image below), the better! If anyone has photos of it, new or old - e.g. walking their dog or out with the family there - please submit them. We want to give the impression that this is a highly valued and well used community facility.



A lot has been made of the road noise of the A12 - some local opinion on this would help. E.g. I expect it is quite intrusive at the site frontage (where it meets Old Ipswich Road) but is it still so bad at the rear? Is it very noticeable from the footpath? It would be good for locals to express their views on this, especially given the proximity of the planned open space (see below)...

### **Planned open space**

Locals are probably aware of the ongoing extension of the Ardleigh reservoir. As part of this, an area of open space (for use by local residents) is being planned - see image below for its location.



This is supposed to be a very pleasant open space that will support disabled people to visit the reservoir.

Local residents should express their concern that:

- The application takes no account of this planned open space that is located in very close proximity of the site. For example, it does not consider any effects (including in terms of noise, landscape/views, air quality etc.) on future users of this space
- If approved, the application would severely affect the community value of the space and

the capacity for its enjoyment by locals

- The applicant repeatedly adopts the stance that this is not a particularly special or valuable part of the parish in terms of landscape or community value. This is clearly not the case - once the planned open space is delivered, this part of the parish is likely to be amongst the most special and well-used of its rural spaces.

### **Applying the planning balance**

Planning law requires decisions on planning applications to be made in accordance with the development plan “unless material planning considerations” indicate otherwise.

The applicant has advanced a number of material planning considerations, mainly public benefits associated with jobs and economic growth. However, all of the same public benefits would arise if the development was located anywhere - including in a location where it did accord with the development plan.

Accordingly, it is strongly disputed that any of these public benefits weigh in favour of making a decision contrary to the development plan.

This view is shared by Colchester Borough Council in their consultation response. CBC is correct in its assertion that, “there are significant public benefits associated with the development that TDC will wish to weigh in the ‘planning balance’ yet these benefits could be delivered on an allocated employment site, in either TDC or CBC, without the negative impacts upon the countryside and highway network associated with the current proposal”.

To summarise, there is clear potential for this development to be relocated so that:

- There would be no (or far lesser) conflict with the development plan;
- All of the same public benefits would accrue; and
- Fewer public harms or disbenefits would occur.

Consequently, the application is wholly unsupported by any material planning considerations that would indicate against making a decision in accordance with the development plan.

### **Development plan conflict**

The conflict with the development plan is very substantial.

Ardleigh sits at the lowest possible tier of the settlement hierarchy. Even within

Ardleigh's defined boundaries, this type and scale of industrial development would be fundamentally in conflict with the development plan. It is nowhere close to the boundaries.

The strategy for the smaller rural settlements (including Ardleigh) is:

*“3.2.1.4.2 these smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives. However, these villages are still under pressure to grow and some small-scale development which is sympathetic to the rural and often historic character of the settlement might help younger people to continue to live in the area, keep local shops and services viable and help bring balance to any ageing population. Particular attention must be given to school travel and any expansion of existing rural schools.”*

The development is clearly not small-scale and the applicant has confirmed that it is not intended that the workforce would be drawn from the parish population. Given the distance of the site from any village services, it is highly unlikely that there would be any material benefit to the parish in terms of either helping younger people to remain or keeping local shops and services viable.

There are 3 types of settlement - strategic urban, smaller urban and rural service centre - that sit above smaller rural settlements in the hierarchy. In total, there are at least 13 different settlements (some comprising multiple points of settlement such as Harwich and Dovercourt) that sit above Ardleigh in the settlement hierarchy. All of these places would be more suitable for this type and scale of industrial employment development than Ardleigh but none appear to have been considered.

### **Accessibility and unsustainable pattern of growth**

There are no notable sustainable transport opportunities available. Even within Ardleigh's settlement boundaries, there is acknowledgement that the vast majority of residents are reliant on the private car.

The applicant also confirms (para 8.23 of the D&A) that the vast majority of employees are likely to come from large urban centres distant from Ardleigh and only accessible to the site by private car - namely, Colchester, Harwich, Clacton and Ipswich.

The applicant has offered only one mitigation/solution to the overwhelming lack of

sustainable transport opportunities. This is a proposed “hopper mini bus” that would operate between the site and Several Business Park.

The “hopper mini bus” is not viable or deliverable for the following reasons:

1. The legal agreement that the applicant has indicated would “secure” the mini bus service has not been provided; and
2. Essex County Council as Highways Authority has confirmed that the minibus scheme is not viable due to congestion and parking issues that could not be resolved.

The permanent daily increase in private car journeys (notwithstanding the HGV journeys) that would occur as a result of the huge anticipated levels of in and out-commuting to Ardleigh is fundamentally contrary to important national and local objectives concerning sustainable patterns of growth.

### **Employment figures/benefits**

The applicant’s D&A confirms that the proposal is for “the relocation of existing distribution and warehousing operations from Harwich to Ardleigh”.

Presumably, the existing operation in Harwich has employees.

However, the application form states that there are 0 existing employees and 348 proposed employees.

It is unclear whether the existing employees would relocate from Harwich to Ardleigh and whether they are included in the 348 figure or not.

The applicant must clarify the net loss and gain of jobs across both sites (existing and proposed).

### **Social benefit - “deprivation”**

The applicant’s D&A at paragraphs 5.30 - 5.40 talks about deprivation, low economic activity, low share of residents with degree-level qualifications etc. in Tendring.

It is implied that the development would assist to combat some of these social and economic issues facing Tendring.

However, Ardleigh is exceptional in the context of Tendring. It is a reasonably affluent village and scores in line with - or better than - national averages on deprivation,

degree-level qualifications, economic activity etc.

The applicant recognises the relative affluence of Ardleigh's residents when they say (para 8.23 of the D&A) "it is unlikely that a significant proportion of warehouse and distribution staff would live in a village like Ardleigh".

The D&A also rightly identifies that it is places like Jaywick (para 5.30) that would most benefit from the introduction of a major employment site of this nature.

It is inaccurate to suggest that the most deprived and least wealthy residents of Tendring would reap any benefit from this major employment site being relocated from (the relatively well-connected and populous) Harwich to rural Ardleigh where the only practical opportunities for access by low wage workers would be via the private car.

There is a firm social disbenefit in relocating this site to an unsustainable rural location far away from the deprived populations that would most clearly benefit from access to this type of employment opportunity.

Attention is drawn to Local Plan policy PP14 which provides "priority areas for regeneration" including parts of Harwich and Jaywick Sands. The policy states: "these areas will be a focus for investment in social, economic and physical infrastructure".

If the applicant is serious about addressing some of the social and economic issues facing Tendring, they should consider sites within these defined priority areas.

### **Loss of agricultural land and jobs**

The applicant attaches very little weight to the harm associated with the loss of agricultural land and agricultural employment in Ardleigh. At para 5.34 of the D&A it is stated "the site currently comprises mostly agricultural land and therefore there is limited employment associated with the existing use."

The agricultural site may not employ as many people as a large-scale warehouse but that is hardly surprising. It is for this reason that agricultural sites are typically located in places (like Ardleigh) with smaller populations and industrial sites are located in more urban places (unlike Ardleigh) where there is a sufficient and suitable workforce available.

Agriculture is a statistically significant industry in the context of Ardleigh. It contributes

greatly to the parish's character - its landscape character but also its economic/social character and heritage significance.

To imply that the loss of the agricultural site and employer is immaterial due to the limited scale of employment is to completely misunderstand the importance of the agricultural economy and landscape within the context of Ardleigh.

Agricultural land is a valuable and diminishing resource throughout the UK, especially in the east where coastal erosion is an issue. The permanent loss of any agricultural land - especially very good quality land - should only be contemplated where it is demonstrably necessary (in accordance with NPPF para 175). The applicant has fallen far short of demonstrating that it is clearly necessary for this development to be located on this parcel of land in Ardleigh.

#### **Alleged lack of alternative suitable sites**

Applicant claims that none of the allocated employment (B class) sites in the TDC LP are big enough for this very large employment site and there are doubts about whether employment sites in Colchester are deliverable.

Even if there are no suitable allocated sites for B-class use in the districts, it is FIRMLY disputed that the next step would be to consider unallocated greenfield sites that comprise of in-use best and most versatile agricultural land and that are located in open countryside where the nearest settlement sits at the lowest tier of the settlement hierarchy.

The applicant has failed to provide any evidence that there are no suitable brownfield sites in more sustainable/urban settlements.

Colchester Borough Council has suggested that the applicant should work alongside Tendring District Council to identify a more suitable and sustainable site in the District for the development. It is agreed that this would be a sensible approach.

#### **The landscape is already "compromised"?**

The applicant places great weight on the fact that the affected landscape is already "degraded" "compromised" "eroded" by the presence of the A12 and the existing commercial development on Old Ipswich Road.

It is firmly disagreed that the established presence of a detracting feature - the A12 -

within a sensitive rural landscape implies that that landscape can consequently support further detracting or intrusive development.

On the contrary - far from giving justification for further intrusive or inappropriate features, the existing presence of detracting or intrusive features within a sensitive rural landscape makes it all the more important that its positive features are conserved and enhanced. This is the correct approach that is taken by the various Landscape Character Assessments referenced by the applicant.

Also worth mentioning the planned open space again - this would make a very substantial positive contribution towards the special/tranquil landscape character of the area.

On the existing commercial development on Old Ipswich Road - this is of a form, scale, style and amount that does not reasonably compare to the development proposals. Old Ipswich Road currently has an appropriately modest and low-impact commercial character that ensures its due sense of belonging to the rural parish. Contrary to the allegations of the applicant, the 20m high x 165m long x 60m wide urban-style industrial building would certainly not “relate” to the road’s existing commercial development.

To use an analogy, this is no different to a developer claiming that an established modest row of rural bungalows provides some sort of “favourable context” for a high-rise urban flat block.

**Landscape value of the site is high not low - Ardleigh’s landscape is “greater than the sum of all its parts”**

The applicant greatly undervalues the site and its contribution to landscape character. It is implied that this is just an “ordinary” field, with consequently “low” sensitivity to change.

Ardleigh is a historic parish that retains a strong working agricultural character. Its landscape character is predominantly defined by the prevalence of agricultural fields and activities. Field boundaries are relatively unchanged since historic times.

It would be accurate to say that the special landscape value of Ardleigh is “greater than the sum of all its parts”. That is to say, an individual field may not appear inherently “special” in landscape terms. However - taken together - it is the extensive patchwork of many fields that defines the parish’s rural landscape character.

To draw an analogy, the loss of just one traditional window from a historic terrace row can affect the value, integrity and appearance of the whole terrace.

Similarly, the loss of just one agricultural field to an intrusive and non-compatible use has significant implications for the overall landscape character of Ardleigh.

The landscape sensitivity of the site is consequently high.

### **Hedgerows claimed to reduce visibility and screen site**

The applicant claims that the boundary hedgerows (c. 3m in height) would considerably reduce the potential for outward views of the new site and building.

The below viewpoint M (from the footpath) is understood to show the boundary hedgerows in question.

Viewpoint m: View from **Footpath 1** looking northwest



Viewpoint m for footpath - suggests the industrial building is likely to be a v. prominent feature as it is far taller than the trees

It is not understood how the hedgerows - which are c. 17m shorter than the height of the building - would assist to “considerably” reduce views.

### **Footpaths**

There are notable inconsistencies concerning the effect on the footpath to the south. For example, paragraph 4.68 of the LVIA confines that the site is visible from the footpath and that the long side of the warehouse (that’s the main bulk!) would be perceptible.

However, elsewhere it is stated (para 4.82 of LVIA) that “changes on site are barely visible from the limited PROWs” and that there are (para 4.77 of LVIA) “no clear and open views for walkers on the few PROWs”.

It is quite clear that the new building would loom large in views from the footpath, with its substantial visual intrusiveness only compounded by its use of jarring, reflective urban materials alien to the Ardleigh context.

### **Design/materials**

The LVIA states at 4.37 that “care should be taken to not introduce jarring new materials that are not in keeping with the local architectural style which includes; soft hued bricks and renders, and the weather boarding associated with farm buildings. However, the design of the food distribution centre is contained by practical requirements and economies of scale”.

The applicant directly acknowledges that the design of the development is informed purely by functional requirements and demonstrates no regard for the local vernacular.

The functional requirements and constraints of industrial sites of this scale and nature are acknowledged. It is for this reason that the siting of industrial developments is very carefully considered and planned for - generally being directed to established industrial estates and edge-of-urban locations with an existing industrial/built-up character.

The fact that it would be impossible for this proposal to both (a) meet the functional needs of the development and (b) avoid excessive harm to local character and appearance DOES NOT indicate that national and local policy requirements in respect of design and effect on local character and appearance should be disregarded. Rather, it very strongly indicates that this is not a suitable location for the development.

### **Benefit to residents of Harwich**

The applicant claims that the relocation of the development away from its current location in Harwich would materially enhance the residential amenity of the area (in Harwich).

Consequently, it was understood that the existing premises were likely in an unsuitable residential area where industrial uses would not normally be encouraged. This could not be further from the truth.

As indicated by the below Google Maps extract, the existing premises operate from an established industrial site where many other industrial activities are undertaken and it is clear that the existing site would be expected to continue in its industrial use indefinitely.

It is quite clear that the existing site of the operation is far more suited to an industrial use than the proposed site. To imply that the site's relocation from an industrial estate to a working agricultural field on the outskirts of a small rural settlement would comprise an amenity benefit is disingenuous at best.

Furthermore, if the site's existing employees in Harwich are now expected to commute daily to Ardleigh, this would seem rather a net disbenefit.

### **Lack of information - landscape, biodiversity/ecology**

Para 11.35 of D&A suggest landscape proposals will be provided as a pre-commencement condition - i.e. no details will be provided - or secured - until after permission is already granted!

Para 11.35 of the D&A also states "new hedgerows and enhanced grassland may be introduced, and the swale is expected to be used for wetland habitats", suggesting that there is a firm risk that these features would not actually ever be secured.

For a development of this scale and nature in this location, it is completely inappropriate that detailed landscape plans would be provided post-permission. Full details are required now so that the actual impacts of the development - including in terms of biodiversity and landscape effects - can be assessed.

On net biodiversity gain - a minimum national policy requirement - the applicant suggests this would be secured by a S106 legal agreement. No such legal agreement has been provided.

Although there is evidence of bats using the site (and surrounding area), no Lighting Strategy has been provided. This is a significant omission and contrary to guidance and legislation on bats (a protected species). As the site is proposed to operate 24/7, it would be very unlikely that there would be no external lighting.

It is not possible to assess and appropriately mitigate for any impact on bats - as legally required - until full and firm details of the lighting scheme are known. Approval of this application as it stands would consequently be unlawful.

It is similarly noted that the noise impact assessment does not provide any acknowledgement or consideration of the potential effect of noise on bats on and in proximity of the site. Again, this is a significant and unlawful omission.

### **Listed buildings**

The applicant has only taken account of the effect on views to/from listed buildings. Whilst visibility is one relevant factor in considering heritage impact, it is certainly not the only one. The application falls far short of comprehensively investigating or assessing the effect on the significant of the affected listed buildings' settings. For example, one potential significant impact is that HGV traffic looks to pass in very close proximity of a number of listed buildings. This will completely transform their setting and the capacity for their appreciation. It is not known whether there is also potential for their structural integrity to be damaged as no investigations have been undertaken.

On intervisibility, the applicant resolves that either none exists or - where it does - that it's irrelevant because the setting is "already degraded" by the A12. It is firmly disputed that the presence of the A12 means the setting of these heritage assets is without merit or unworthy of any preservation or enhancement. On the contrary, the fact that this heritage setting is already harmed by a detracting feature renders the retention of its remaining positive features (including, of course, its high quality working agricultural fields) all the more important.

### **Air quality**

The application is accompanied by an Air Quality Assessment. This significantly omits to consider the potential effects on:

- PROWs - the nearest located within c. 100m of the site boundary; or
- The planned open space (as part of the Ardleigh reservoir extension) located in exceptional proximity of the site boundary.

The results of the AQA are also dependent on the implementation of a travel plan to support and encourage sustainable travel. Given the severe lack of any sustainable travel options and the confirmed inviability of the proposed minibus mitigation, there is no real potential for such a Travel Plan to actually be implemented.

### **Noise assessment**

The noise assessment does not consider the potential effects on PROWs and the

planned open space (reservoir extension) which are both noise sensitive receptors. These are significant omissions.

The noise assessment (para 8.1) is also based on the site containing a total of 189 car parking spaces and 12 lorry spaces.

However, both the D&A and the application form confirm different - far greater - numbers. The D&A claims 217 car spaces and 50 lorry spaces, whilst the application form states 159 car spaces and 50 lorry spaces.

It is quite clear that 50 lorry spaces would have a far more significant noise impact than 12 spaces.

The significant discrepancy in these claimed figures says a great deal about the amount of thought and care that has gone into preparing this application.

### **Lack of Travel Plan**

The applicant suggests that a Travel Plan would be provided post-permission. This is clearly inappropriate, given that the development would - indisputably - generate significant amounts of movement. The applicant ought therefore to provide the Travel Plan now so that the likely impacts of the proposal can be assessed, as required by NPPF paragraph 113.

Given the constraints of the site and area, it is considered highly unlikely that a Travel Plan could ever be delivered here that would actually secure any sustainable transport objectives. With this uncertainty in mind, it is wholly inappropriate that this matter would be dealt with post-permission.

### **Use of Wick Lane/Harts Lane**

The applicant suggests that there would be no increase in use of Wick Lane as HGVs are already prohibited. In a written statement dated 29/04/21, the agent stated "no vehicles would use Wick Lane and that would be a condition of approval".

It is impossible that such a condition could ever be enforced.

The application also completely fails to take account of the fact that the increased use of Wick Lane would not only arise due to movements directly associated with the major employment site. It would also arise as a result of local residents avoiding the use of

Old Ipswich Road due to its substantial intensification in its use, including by large and slow-moving HGVS (with cars frequently parked on the road and no parking controls, HGVs cannot always pass each other, causing queues). No regard has been had to this likely effect on the local road network.

It would be good for locals to confirm that the use of Wick Lane/Harts Lane is likely to increase as a result of local residents avoiding Old Ipswich Road, e.g. "I currently use Old Ipswich Road to get to work but it's sometimes congested with big vehicles trying to pass parked cars. If a storage and distribution centre was to move there, it would become so congested at rush hours that I could no longer use it. Instead, I would have to travel via Wick Lane...."

### **Concern over future intentions, including "phase 2"**

The applicant suggests that the application has been reduced in scope and scale following concerns of Tendring District Council. It is suggested that phase 2 will no longer be pursued. There is concern that this is disingenuous and that if permission is granted, an extension or expansion of the site will be applied for at a later date. It would then be harder for the Council to resist such an application as the "principle" of major/large-scale industrial development would already have been established. This is a valid concern, especially as there are some signs in the current application that future expansion is still envisaged. For example, the revised site layout plan (no. 2748\_002G) describes a large area of the site (13) as "future expansion".

### **Drainage/water**

[this is taken from the Parish Council's original objection - it's comprehensive and I have nothing to add. Local residents could assist by sharing their personal experiences (and photos) of flooding/drainage issues in the area.]

6) Drainage and water

- a. We understand that Anglian Water were unaware of the application – this needs to be rectified without delay so that proper consideration can be given to the serious implications.
- b. The site is close to the northern arm of Ardleigh reservoir and there are serious concerns about the impact on water courses. The drainage report states that the site will have a low risk of pluvial flooding (flooding caused by heavy rain). That may be the case for the site, but it cannot be ignored that the site will cause pluvial flooding to neighbouring land due to the proposed means of removing all “water” from the site. It is proposed that 16.5 litres of “water” a second will be discharged/pumped from a pond at the northern boundary into the existing watercourse (a ditch that eventually feeds into Ardleigh reservoir). The watercourse will not be able to cope with that volume of “water”!
- c. The fields adjacent to the “pond” already flood in wet weather, the farmer of the adjacent farmland cannot get on his field in wet weather due to the amount of water that lays there. Another cause of concern is that the “water” that will be pumped into the tributary is not just surface/rain water (which will be a higher volume that reaches the ditch at the moment because at present it soaks into the ground) but also treated effluent water generated by the 150+ employees in Phase 1 plus more in Phase 2. No figure has been given for the amount of treated effluent expected to be discharged but one can only assume that it will be more than the rainfall, due to the number of employees at the 24/7 operation all this eventually ending up in the Ardleigh Reservoir.
- d. The application states the volume of treated water that the development will be discharging by the minute into the local water system. There is no sewage pipework in the area. The water from the surface and from the buildings (treated sewerage water) will be discharged into the local water system. Such water will then enter the system and for example will fill agricultural reservoirs on Harts Lane, where the water is used to irrigate crops such as celery - the water entering the irrigation reservoirs will be treated sewage water, which will then contaminate the crop

- e. The level of water detailed to be discharged into the streams and ditches will completely flood the capability of the system -and with treated water. The local system cannot even cope with general rainfall - and more than average rainfall results in flooding on Harts Lane and on Old Ipswich Road opposite the Jubilee cafe. The Old Ipswich Road floods even when lorries are pressure washed as the drains are blocked and broken
- f. We know that for the winter months, Harts Lane is flooded even with average rainfall - the proposal to discharge substantial amounts of additional water into the system will result in permanent floods on Harts Lane and all adjacent fields being flooded throughout the year. There has been no consideration given to the significant impact on the local watercourses and fields by the discharge from the development. There needs to be consideration for the impact that the water discharge will have on watercourses and agricultural land - local fields are already unable to be used with just rainfall, the proposed development will render significant acres of productive agricultural land incapable of use
- g. The applicant has failed to note that Anglian Water has a major pipe laid under the field that they intend to concrete and build over - this pipe is designed to bring water from areas of greater rainfall to us where we has insufficient rainfall, to keep our reservoirs topped up. Such pipes cannot be built over and have a safety spread of 3metres either side to enable access to the pipes

# APPENDIX IMAGE OF CURRENT SITE

