

Stoke by Nayland Parish Council

Clerk: James Dark, Alde House, Polstead Street, Stoke by Nayland, CO6 4SA
Tel: 01206 621856; e-mail: stokepc@hotmail.co.uk

Response to application DC/18/02836

Stoke by Nayland Parish Council objects to this Application, and believes that it should be declined at this time on the grounds that the Applicant has:

- failed to demonstrate the proposed development is compliant with statutory policy for developments within the AONB when compared against national and local policies and strategies;
- failed to provide the information necessary to justify the developments proposed to support enhanced production activities at the site; and
- failed to engage with the local community in a manner that would enable appropriate mitigation measures to be evaluated.

The Parish Council takes the view that:

- (1) The Authority must consider that the facilities applied for constitute a **major development** within the AONB in terms of the National Planning Policy Framework, to be evaluated and advanced on the requirements designed to protect AONBs, especially in relation to the visual impacts associated with the proposed 15m high production building for which neither justification has been provided nor alternatives proposed. We believe that, in its current form, this development described by the application fails to comply with National and Local Planning Policy and Procedures.
- (2) The Applicant has failed to consider the potential impact of increased production on local resources, including utility supplies to the surrounding settlements and villages; and
- (3) The application fails to consider or offer potential mitigation measures to matters of local concern, such as over the significant increases in HGV volumes.

In objecting to this application, we address each of these points in turn, relying primarily on what we regard as factual issues and taking due account of the planning consents that exist over the site.

(1) National Planning Policy Framework (NPPF) Requirements

In relation to AONB's, Section 15 para 172 of the revised NPPF notes that "*the scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances...*" Note that the first sentence quoted is an addition in the revised NPPF. This and subsequent paragraphs describe the special considerations that must be applied to such applications.

NPPF footnote 55 states that "*whether a proposal is a major development is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined*".

We believe strongly that BDC should support the view that this application falls into the category of a **major development** in terms of scale and visual impact that would dominate the local landscape within the AONB, and must be assessed on that basis. The NPPF criteria are clearly appropriate to any significant and controversial development in a designated area. To decline to classify the proposed development as “major” in NPPF terms, and on that basis to refuse to consider the issues identified by the NPPF, would constitute deliberately failing to address criteria central to the decision¹. Furthermore, we draw attention to the fact that a relatively low barrier has recently been established for defining major development in AONBs in case law precedent².

Whilst much of this Application harps back to a 2007 consent at the site to provide for a large new industrial building (of approximately 2,100m²) with the same footprint but which was never constructed, this latest application proposes to increase its permitted ridge-level height significantly by 3.25m to 15m. It would be significantly higher than existing buildings on the site and have a highly detrimental impact on the local landscape in the Dedham Vale AONB.

From this perspective, a number of issues flow that oblige BDC to reject the current application. Section 15, para 172 of the NPPF refers to the “great weight” that should be given to conserving AONBs, and goes on to state that “*Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

(a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

(b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

It is clear that the presumption in favour of refusing applications of the type as submitted by the Applicant should be sustained, particularly given that, as in this case, there are **no exceptional circumstances** associated with it.

The Applicant has recorded that few additional jobs would be created by this application, a maximum of 12, and possibly none according to the Applicant’s Design & Access Statement. We note that just two of the current 89 staff live within five miles of the plant, so it is hard to believe that, viewed in relation to (a) above, refusing this application would impact either the national or local economies. In any event, unemployment throughout Babergh is both very low and well below the national average: 3.4% in Babergh, 4.3% GB. Claimants aged 16+ are 1.3% in Babergh, 2.2% GB. Average pay in Babergh is better than the national average: Gross weekly pay of full-time workers: £563 Babergh, £553 GB; Hourly pay excluding overtime: £14.53 Babergh, £14.00 GB³.

Turning to considerations associated with (b) above, we accept that the intended uses for the extended facilities constitute a development of existing operations at the plant. We would not say however that the association constitutes an exceptional circumstance in NPPF terms. We would emphasise that the NPPF requires the applicant **to demonstrate that such alternatives are out of the question**, and this Konings has so far failed to do. Indeed, has refused to do, by refusing to answer questions on this point.

Turning to (c) above, we are in no doubt that the impact on the AONB landscape would be severe. We are not aware that the Applicant has considered options which could meet its industrial needs while mitigating the impact on the AONB. He has not provided any

1 We understand the application has already been classified as “major” in local planning terms.

2 APP/P1615/A/13/2204158 Land off Redding Lane, Staunton, Gloucs

3 Official Labour market statistics from www.nomisweb.co.uk/reports

justification for the increase in height of the building, nor has he demonstrated that he can meet operating requirements, for example, by extending the footprint (width and/or depth) of the building which already enjoys consent. Rather, he has simply raised the height of an already very high building instead perhaps of making use of space around the facilities to enlarge the footprint.

Given the application's clear non-compliance with the criteria for approving major development in an AONB, our view is that BDC is obliged to reject it.

(2) Pressure on Local Resources

It has previously been admitted that the plant has difficulty securing adequate power supply. One earlier initiative to meet this, the bio-digester, has had adverse effects in terms of movements of very large vehicles through the AONB. The Applicant needs to show that it can source adequate power without further adverse effects.

There is particular concern that the application does not provide information on demand requirements and availability of water resources or power supply needed to serve the proposed expansion, and there is a potential risk that abstractions to service the proposed enlarged plant could affect neighbourhood supplies.

Our position is that no expansion on this site should be approved without clear evidence that there will be no adverse impact of any kind on residents' utility supplies or traffic through the AONB.

(3) Potential Mitigation Measures

Our understanding of the relevant documents is that the projected increase in HGV traffic would be permitted within the existing 2007 planning consent. Nonetheless, we note from the forecast that there would be 98 additional two-way HGV trips per week to/from the site via the B1068, a 75% increase in HGVs servicing the site each week. Residents have reported that the current lower level of HGVs accessing the site on this rural road already causes significant safety concerns. This is particularly the case when HGVs pass one another on bends or narrow sections causing them to mount pavements in some cases.

In the highly unlikely event of BDC approving this application, we recommend that a condition should be for the Applicant to develop an operating plan which would prevent these conflicting movements on rural roads. Note that the number of movements of the most damaging vehicles, the 44 tonners, under the expansion plan is 179 per week ie 1 per hour on 24/7 working and even on mid-week day-time working less than 4 per hour. Preventing conflicting movements of these vehicles would not be onerous⁴. In addition, it must be made clear in any planning consent that Konings HGVs will not be permitted to pass through the restricted weight limit area in Stoke by Nayland under any circumstances including during road closures.

Earlier in this note, we have made suggestions regarding reducing the height of the proposed processing plant to mitigate its visual impacts on the landscape. The proposal for a double-pitched roof and south-facing gable is out of keeping with existing flat roof elevations on the site, and would further aggravate the visual impact. We would encourage the Authorities to require the Applicant to consult with local bodies to improve the design elevations in this regard.

⁴ However, we note an apparent lacuna in the Transport Statement forming part of the application which is potentially serious. It makes no reference to movements of tractors with trailers. These now represent a conspicuous and damaging element of local goods traffic, and are likely to constitute a major part of local supplies of apples to the plant. It is essential that they are controlled by suitable conditions.

Further, we request that strict external light pollution controls be applied as a condition of any future consent at this plan, consistent with the strategy for creating a dark skies environment across the AONB, with external lighting confined to low level energy efficient downlighting only where and when required for safety and security.

(4) Refusal to engage

Much of the foregoing could have been avoided by the Applicant had he not refused to engage effectively with local parish councils by rejecting requests for site visits and meetings. We ask BDC to note the Applicant's **lack of effective engagement**, despite assurances from BDC councillor Melanie Barrett that Konings would engage in this way. The company's position, as expressed to us in an email from the site's general manager, is that all the necessary information is available in its planning application. This is demonstrably not the case. There are numerous uncertainties and concerns, in addition to those raised in this response to the planning application, that we would have welcomed the opportunity to discuss and clarify. Furthermore, it is not for the Applicant to know or define what information parish councils require to make an informed response on behalf of their communities.

We note that the NPPF informs planning authorities that where it would be beneficial they should *"encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications"*. While BDC councillors may have made some representations to Konings, it is apparent that these have been insufficiently robust and their views have been ignored by the Applicant. BDC should take a much stronger approach in facilitating effective engagement in connection with any future applications.