



planning direct



Objection on behalf of Ardleigh Parish Council in response to the applicant's Supplementary Sequential Test Statement (20/00594/FUL)

On behalf of: Ardleigh Parish Council

Prepared by: N O'Hagan BA(Hons)

Date: 04/05/2022

NOTICE

This document has been prepared for the stated purpose in Accordance with the Agreement under which our services were commissioned and should not be used for any other purpose without the prior written consent of Planning Direct. We accept no responsibility or liability for the consequences of this document being used for a purpose other than that for which it was commissioned.

© Planning Direct. All rights reserved. No part of this document may be otherwise reproduced or published in any form or by any means, including photocopying, storage on a computer or otherwise, without the prior permission of the copyright holder.

Planning Direct is a trading name of Cicero Communication Ltd. Registered in England and Wales, no. 7986959.

July 2020



The Furnace, The Maltings, Princes Street,
Ipswich, IP1 1SB

 01473 407911

 enquiries@planningdirect.co.uk

 www.planningdirect.co.uk

Table of Contents

Introduction4

1. The applicant has failed to properly investigate the potential to site the development on a suitable site allocation and, contrary to their assertion, at least one of these allocations is suitable and remains available6

2. The applicant has failed by a considerable margin to justify their stance that - in the absence of any suitable and available industrial site allocations - the proposed development of this Greenfield site located outside of a lowest-tier village settlement is justified. In particular, the applicant has failed to apply the “sequential test” approach to settlement/site selection required by development plan policies SPL1, SPL2 and PP7 and their supporting text19

Conclusion.....25

Introduction

This statement provides Ardleigh Parish Council's response to the applicant's Supplementary Sequential Test Statement which was uploaded to the planning portal on 24/03/2022.

This statement follows the submission of Ardleigh Parish Council's comprehensive letter of objection dated 23/02/2022. The original letter of objection included the following pertinent arguments against the grant of planning permission in this instance:

- The development represents a significant departure from the recently adopted development plan and spatial strategy which has not been justified;
- The applicant has not properly investigated the potential to site the development on a suitable allocated industrial/employment site and their discussion of site allocations is both lacking and inaccurate; and
- The applicant has failed - by a considerable margin - to justify their claim that there are no other suitable sites available anywhere in the district or wider region. As a minimum, the Parish Council considers that vacant or otherwise available industrial/employment/brownfield sites in sub/urban settlements at the highest tiers of the Settlement Hierarchy should have been considered in advance of this working agricultural field in deeply rural Ardleigh. The application as submitted provides no indication or evidence that this exercise has been conducted.

Subsequent to the publication of Ardleigh Parish Council's letter of objection, the applicant has submitted a Supplementary Sequential Test Statement which purports to review the development plan's site allocations and provide justification for the applicant's choice of site.

Having reviewed the Supplementary Sequential Test Statement supplied by the applicant, Ardleigh Parish Council strongly maintains its following objections:

1. The applicant has failed to properly investigate the potential to site the development on a suitable site allocation and, contrary to their assertion, at least some of these allocations are suitable and remain available; and
2. Notwithstanding the above, the applicant has failed by a considerable margin to justify their stance that - in the absence of any suitable and available employment site

allocations - the proposed development of this Greenfield site located outside of a lowest-tier village settlement is justified. In particular, the applicant has failed to apply the “sequential test” approach to settlement/site selection required by development plan policies SPL1, SPL2 and PP7 and their supporting text.

These objections are explored in greater detail in the following sections.

1. The applicant has failed to properly investigate the potential to site the development on a suitable site allocation and, contrary to their assertion, at least one of these allocations is suitable and remains available

Validity of the “test”

Firstly, it is clear that no sequential test was carried out in advance of the applicant’s site selection. Rather, the sequential test has only been conducted very recently (Jan 2022 or later), long after the submission of the application in question (May 2020).

It would therefore be highly inaccurate to suggest that the site has been selected based on the findings of an appropriate sequential test.

What has actually occurred is that the site has been selected for reasons entirely unrelated to a sequential test exercise. A calculated sequential test exercise has retrospectively been carried out by the applicant’s own agent¹ in an attempt to retroactively justify the site choice. It is therefore reasonable to consider that the sequential test as submitted has not been approached in an objective or unbiased manner but, rather, with the primary objective of justifying the already selected site - unsurprisingly, the sequential test finds in favour of the application site.

Given the timing and source of the “test”, the Parish Council is of the view that its results must be taken with a very substantial pinch of salt.

With these clear inadequacies and evident biases in mind, the Parish Council would urge that the exercise is re-conducted either by the LPA or by an independent, third-party provider to be agreed with the LPA. If the applicant is confident that the site would pass a legitimate sequential test exercise then they should be willing to comply with this request.

The Parish Council would be willing to rescind this particular ground of objection to the development proposals if the results of such an appropriate and independently carried out site selection exercise were favourable.

¹ i.e. not an independent or suitably-qualified expert

Locational requirements

The applicant's agent dismisses a number of sites on the basis that the site location "would be as inefficient as bringing them to Harwich is currently".

The Parish Council is of the understanding that the existing business operates successfully and profitably. Indeed, the business is purportedly successful enough to be in a position to expand significantly - with an additional 9ha site and large new B8 warehouse.

All of this suggests that the existing location of the business is suitable and does not harmfully undermine its operation or affect its financial viability. It could certainly not be considered so "inefficient" as to justify the proposed intrusion of intensive urban development into a rural location of this scale, nature and connectivity.

Whilst the applicant has also spuriously attempted to argue that locating the site in Ardleigh would "reduce road miles" associated with the business, this cannot realistically be entertained given that:

- Details of existing and proposed transport/vehicular movements (which are known as the business is existing) have not been forthcoming, in spite of multiple requests of the applicant (from the LPA and its statutory consultees). If the applicant's bold assertion that the development would reduce the road miles/vehicular carbon emissions associated with the business held any weight, this supporting evidence would have been supplied²;
- The potential minor reduction in total HGV miles (as above, not evidenced) associated with the business would be far outweighed by the indisputably significant increases that would occur in the daily private vehicle movements associated with the business's employees. There can be no dispute that the proposed relocation of the business's B8 operations from the relatively sustainable, densely-populated and well-connected urban locale of Harwich to a highly unsustainable, sparsely-populated and poorly-connected rural area in Ardleigh parish would lead to substantial increases in the amount and duration of employees' daily private car journeys.

² The applicant will be aware that - if it could be evidenced - such an environmental benefit would add substantial weight in favour of the application's approval. With this in mind, their ongoing failure to provide the requested evidence speaks for itself.

With respect to environmental impacts, any “reduction” in road miles associated with locating the development on this Greenfield site in Ardleigh should be appropriately weighed against the obvious environmental harms of the location.

Greenfield rural land - best and most versatile agricultural land, in particular - is possibly the country’s most valuable natural resource. It is also finite and fast-diminishing. Any permanent loss of in-use best and most versatile agricultural land to an intensive, non-compatible urban industrial use thus requires very convincing justification. A very modest reduction in HGV miles (relative to siting the development in a suitable and sustainable location) certainly does not provide that justification.

It is simply not reasonable to discount sites on the purported environmental ground that their location would add modestly to the daily HGV road miles associated with the business whilst conveniently failing to discount sites that would give rise to other equal or greater environmental harms, including sites that result in the permanent loss of best and most versatile agricultural land (as in the case of the current application site) AND sites that are in highly unsustainable locations where reliance on the private car is very substantial (or, as in the case of the current application site, total).

Land at Harwich Valley, East of Pond Hall Farm, Dovercourt

The applicant’s report states at paragraph 4.16, “we understand this site is no longer available”. This assertion is not supported by any evidence and the Parish Council has uncovered no public evidence to suggest that the commercial elements of the site allocation are no longer available. Persimmon Homes’ acquisition of the residential element of the site is of no relevance.

The applicant’s report also relates comments on the site provided within the latest Employment Land Review 2019, including that the site would be most suited to a mixed use development (as secured) and that the site is subject to flood constraints.

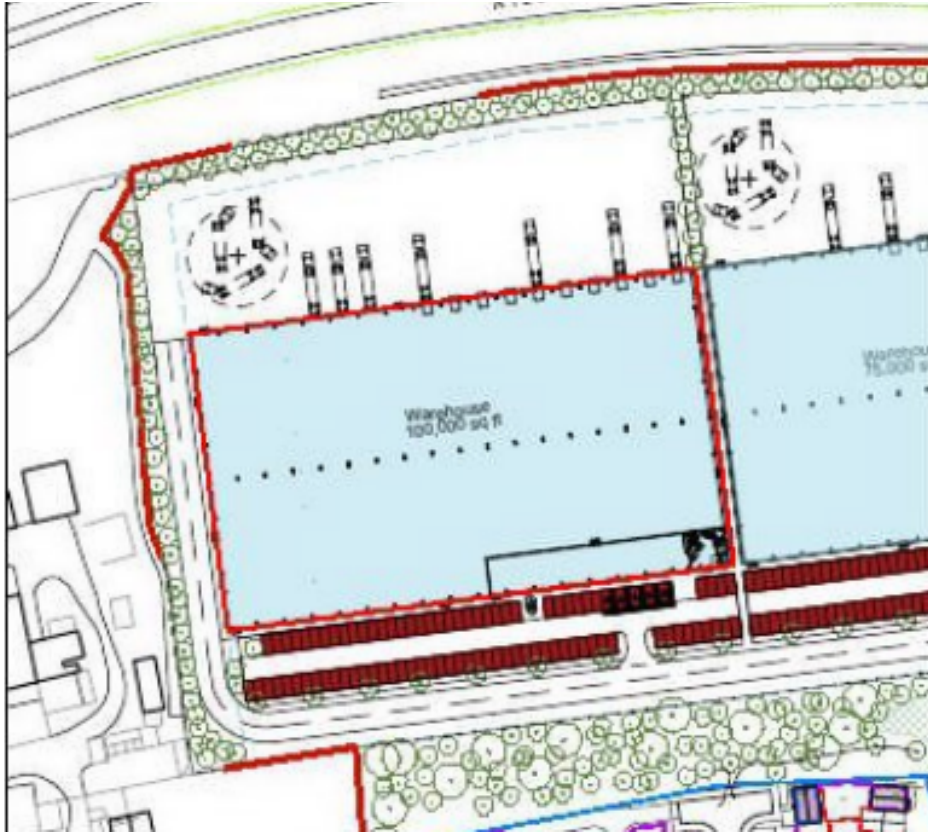
Whilst the Employment Land Review 2019 provides some broad comments on the site, it neither confirms nor negates its suitability for the applicant’s development proposals.

What does confirm the site’s suitability for the applicant’s development proposals is the site’s extant planning consents which are in the process of being delivered. In particular, approved reserved matters application 19/00851/DETAIL confirms that the site will

deliver the following amounts of class B2/B8 and E (office) floorspace³:

B2/B8 warehouse units - 24,051 sqm GIA

Business units - 2,461 sqm GIA (now Use Class E(g)(i)).



Extract of drawing 19186-2019-P-00 [not to scale] approved under detailed consent 19/00851/DETAIL - this depicts a 100,000 sq ft (9290 sqm) warehouse with integral office which neighbours a 75,000 sq ft (6968 sqm) warehouse of similar form

The application form for application 20/00594/FUL confirms that the development seeks the provision of 16188 sqm of B8 floorspace and 1300 sqm of class E (office) floorspace.

Evidently, therefore, site allocation “Land at Harwich Valley, East of Pond Hall Farm, Dovercourt” contains sufficient B8 and class E floorspace to house the development

³ confirmed by the approved application plans and paragraph 6.13 of the LPA’s committee report

proposals, with a reasonable amount (7863 sqm of B2/B8 and 1161 sqm of “business” floorspace) left for other occupiers.

It is worth noting that the site already has detailed planning consent for the provision of the class B2, B8 and E floorspace identified above, confirming that the site is capable of accommodating these uses without undue harm to local environment or highways networks.

It is thus very well-suited to the current development proposals.

In terms of the location, this site allocation is located directly adjacent to the A120 which does form part of the strategic road network and is eminently capable of sustaining HGV traffic⁴. It is also located only approximately 2.4 miles - or a convenient 8-minute car journey - from the business’s existing site which is due to be retained.

As noted previously, no convincing evidence has been provided that the business’s existing location is inappropriate or economically unviable. On the contrary, the business appears to be doing well enough to be in a position to more than double the size of its operation (with the proposed construction of a new warehouse and creation of multiple new jobs).

Locating the site here would secure considerable social, economic and environmental benefits, not least the retention of all warehouse workers of the current site in Harwich. This would limit disruption to the local community and economy, reduce employees’ unsustainable work journeys and protect against the loss of local jobs.

At paragraph 4.18, the applicant’s report also provides that:

“Although approximately 6.3ha in size the road infrastructure requirements⁵ would have

⁴ confirmed by the LPA’s approval of application 19/00851/DETAIL for c. 24,000 sqm of industrial warehousing floorspace

⁵ The applicant does not explain what the purported “road infrastructure requirements” would be or describe the cost associated with them. The Parish Council disputes that occupation of the warehouse and office units (already designed and approved) at “Land at Harwich Valley, East of Pond Hall Farm, Dovercourt” would place a greater financial burden on the business than would the proposed development of this Greenfield site in Ardleigh (and its associated road infrastructure works)

made the site financially unviable for Surya Foods.”

If approved, the current application site requires significant alterations to be undertaken to existing trunk road infrastructure. Presumably, the cost of these very substantial infrastructure works would be borne by the developer. However, no evidence has been forthcoming that the works are financially viable and the Parish Council has serious concerns about the likelihood of their implementation, especially in light of the applicant’s above comments concerning the lack of available funds to provide road infrastructure upgrades in the case of site allocation “Land at Harwich Valley, East of Pond Hall Farm, Dovercourt”.

The Parish Council is therefore legitimately concerned about the insupportable risk that the necessary road infrastructure upgrades will be delayed or abandoned entirely.

In the unfortunate event that planning permission is forthcoming for this non-policy compliant development, the Parish Council would urge that it is subject to a suitably worded planning condition that prevents any development within the confines of the site until all necessary external road infrastructure works have been completed.

Crown Business Park, Ardleigh

The applicant finds that this site is unavailable and of insufficient size. However, its location is suggested to be suitable⁶, with the following comments made:

“4.27 As noted in the latest Employment Land Review 2019, the site has a good location in regard to transport and road accessibility and has been previously marketed as Hudson Park for smaller business units. It is this function and proposal that the site lends itself best to given its size.

4.28 Being south of the location of the proposed pending application of which this document relates to, highlights the significance of the area and the prominent transport location that serves it. In many ways this site would be ideal, in terms of location and environmental constraints, with easy access to the Strategic Trunk network.”

The Parish Council strongly refutes that the location of this site is suitable and offers the

⁶ Given the close proximity of this site to the current application site, to find that its location is unsuitable would strongly imply that the current application site is also located unsuitably

following comments in response:

1. Contrary to the applicant's assertions regarding the Employment Land Review 2019 (ELR), this document contains various unfavourable comments concerning the accessibility of Crown Business Park, including:

Access to Crown Business Centre is poor (single track) and will need to be addressed to allow any future development.

Viability a key issue - road infrastructure improvements required, including new access to

The ELR also scored each individual site (results at Appendix B) for its location, including its proximity to the Strategic Highway Network and access to Public Transport. As indicated by the below extract of Appendix B, Crown Business Centre scored poorly on both proximity to the Strategic Highway Network and access to Public Transport.

Appendix B - Site Scoring Results – Employment Allo

Site Name	Size (ha)	Likely Use Type	Site Location and Access				Planning Status	Site Conditions				Site Availability	Total (Max 100)
			Proximity to Strategic Highway Network	Prominence	Public Transport	Sequential Test		Services Availability	Constraints	Environmental Setting	Flexibility		
ALLOCATED SITES													
Carless Refinery, Parkston	4.5	B2	4	4	10	10	4	10	6	6	3	6	63
Stanton Europark, Parkston	3.3	A1, B1(c)	8	8	10	10	4	10	6	8	7	10	81
Tending Colchester Borders Garden Community	6	B1(a, c)	8	8	5	3	4	0	10	8	9	0	55
Mercedes Site, Harwich	3	B2	8	8	10	7	4	10	4	6	6	6	69
South of Thorpe Road, Weeley	1	B1(a)	3	5	10	7	4	7	10	8	8	6	68
Land South of Long Road, Mistley	2	B1(c)	0	6	10	7	8	0	8	8	8	6	61
EDME Mornings, Mistley	0.13	B1(a)	0	6	10	7	4	10	8	8	5	3	61
Lanswood Park, Elmstead	1.2	B1a, c)	7	8	5	3	4	10	8	10	8	10	73
POTENTIAL SITES - WITH PLANNING													
Land at Brook Park West, Clacton	1.3	B1	7	8	0	7	8	10	10	9	8	6	73
Oakwood Park Strategic Development Allocation	1	B1	2	6	5	7	8	7	10	10	9	6	78
Extension to Plough Road Business Centre, Great Bentley	1	B1	2	2	10	7	8	7	8	8	9	6	67
Extension to Gorse Lane Industrial Estate, Clacton	6.6	B2	2	4	5	7	8	7	8	8	9	6	64
Land at Dale Hill, Cox's Hill, Lawford	0.2	B1	0	3	10	10	8	7	8	6	5	6	63
Land South West of Horsley Cross	11.2	B2, B8	8	8	0	3	10	0	10	9	9	6	63
Land at Harwich Valley, Pond Hall Farm, Dovercourt	6.3	B1, B2, B8	3	8	5	7	8	0	6	7	7	6	57
POTENTIAL SITES - NO PLANNING													
Land North of Colchester Road, Weeley	2.6	B1	7	8	10	7	1	0	8	8	8	3	60
Lifthouse Spa, Thorpe-le-Soken	u/k	B1	0	2	10	7	1	7	6	7	6	6	52
Land North of Brook Park West, Clacton	12	B1, B2, B8	7	8	0	7	1	7	10	9	7	3	59
Hartley Gardens Strategic Development Allocation	7	B1, B2	7	8	0	7	4	7	4	9	7	0	53
Land South of Manheim Auctions, Frating	23	B1, B2, B8	7	8	5	3	1	0	10	9	7	0	50
Crown Business Centre, Old Ipswich Road, Ardleigh	2.31	B1, B8	4	7	0	3	1	7	6	6	6	6	48
Clypedge Farm, Harwich Road, Little Bentley	1.3	B1	6	2	0	3	1	0	8	9	8	6	43
A120, West of Little Bentley	2.2	B1	8	8	0	3	1	0	8	8	4	0	40

As reported by the above table, Crown Business Centre achieved a score of 4 for proximity to the Strategic Highway Network and a score of 0 for access to Public Transport. Out of a maximum of 100 points, Crown Business Centre scored just 48, with only 2 of the 23 total assessed sites scoring less than this.

For comparative purposes, Land at Harwich Valley, East of Pond Hall Farm, Dovercourt scored 3 for proximity to the Strategic Highway Network and 5 for access to Public Transport. It achieved a total of 57 points out of 100.

Land South West of Horsley Cross - creatively assessed by the applicant's agent to adopt a less sustainable location than the current application site in Ardleigh - achieves a very good score of 8 (the highest score of any of the 23 assessed sites) for proximity to the Strategic Highway Network. Overall, it achieved 63 points out of 100.

2. The applicant also appears to take the stance that the extant consents at Crown Business Park suggest that the site location is "ideal" for their proposed development.

The Parish Council strongly disagrees and believes the decision-making processes for the relevant consents at Crown Business Centre actually strongly imply that the location is no longer suitable for the type and quantum of development sought by the applicant. This is justified below.

The principle of development for the site of Crown Business Centre was first established in c. 2015 with a mixed use application for a hotel and approximately 4000 sqm of B1 floorspace (15/00985/OUT). Prior to this, the site had functioned as a golf driving range.

The officer's report on application 15/00985/OUT provides the following comments concerning the principle of development:

Principle

The application site is located outside of any defined settlement development boundary, where development is generally restricted to that which is required for agricultural purposes. However, as stated above, Old Ipswich Road and the land to the south has a number of commercial and leisure uses, and is accessible by public transport, with a bus stop located opposite the Crown Inn (approx. 190m south) and outside of the Apex 12 development (approx. 280m south). It is also noted that the existing site has a small element of office development (Colchester Business Centre).

On this basis, the redevelopment of the site for a mixed commercial and hotel use is considered to be acceptable and is compatible with surrounding commercial land uses.

Evidently, the accessibility of the site by public transport (bus stops) played a pivotal role in first establishing the principle of its commercial redevelopment in c. 2015.

Subsequent applications on the site - including 17/02204/FUL for 91 small B1 & B8 units and 18/02118/FUL for 90 small B1 & B8 units - have fundamentally relied on the site's extant consent/s (15/00985/OUT) to establish the principle of development. This is appropriate as it is well-established in planning that an extant consent represent a legitimate fallback position to which decision-makers should have due regard.

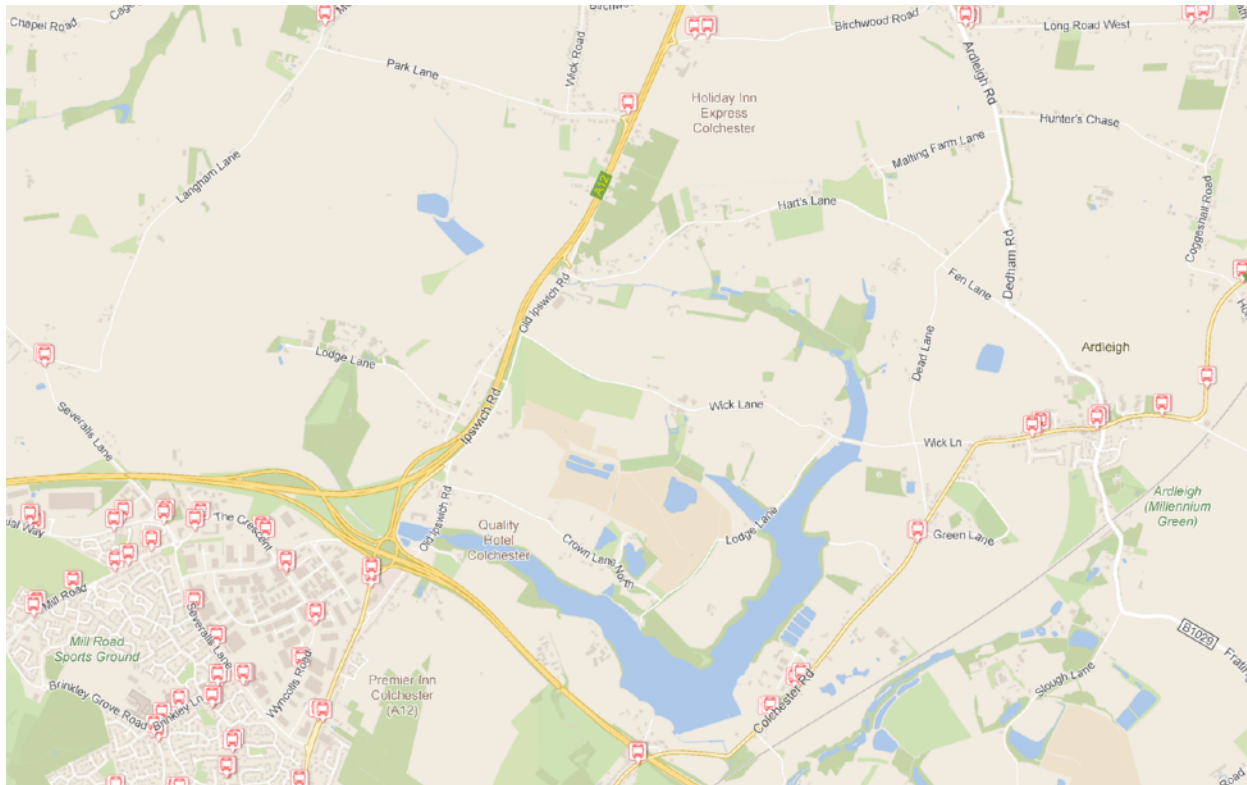
However, it remains the case that the local context has materially changed since the principle of the commercial redevelopment of the brownfield⁷ site of Crown Business Centre was first established in c. 2015. In particular, the bus stops to which the officer gave considerable weight when establishing the principle of development no longer exist, with no access to any local or regional bus services remaining at this location or within the vicinity.

This is confirmed, firstly, by the site's score in the ELR (0 for public transport access). It is also confirmed by the local highway officer's consultation response to the current application dated 31/03/2022 which states, "this site is not placed in a sustainable location and does not have bus services."

It is also confirmed by Essex Highways' Public travel interactive map (at [essexbus.info/](https://www.essexbus.info/)

⁷ In the context of application 17/02204/FUL, the committee report also noted under the "principle of development" heading that "There would be no loss of agricultural land and the existing golf course facility is very low key and not an employment generating use or valuable leisure resource. Such considerations give further weight to the proposal."

[map.html](#)) which shows no bus stops in the vicinity of Crown Business Centre or the current application site:



Extract of Essex Highways' Public travel interactive map

Also of note, the Crown Business Centre consents have been subject to a relevant planning condition requiring the implementation of a Travel Plan “in the interests of reducing the need to travel by car”. A Travel Plan is a long-term management strategy that sets measures to promote and encourage sustainable travel (such as promoting walking and cycling) (NPPG Paragraph: 003 Reference ID: 42-003-20140306 Revision date: 06 03 2014).

Sustainable transport modes include walking, cycling, ultra low emission vehicles, car sharing and public transport.

Given the lack of safe and convenient cycle/walking routes to the site and the withdrawal of the local bus services in situ in c. 2015, the Parish Council is of the reasonable view that the implementation of a Travel Plan for Crown Business Centre

that would genuinely reduce employees' reliance on private car travel is no longer realistically achievable.

These material changes in local circumstance - leading to a significant decrease in the overall accessibility and sustainability of this section of Old Ipswich Road - weigh very strongly against the approval of 20/00594/FUL.

Land South West of Horsley Cross

The applicant suggests that this site is now unavailable "having been placed under offer with the view to being sold under the land agents Savills within the coming days, at the time of writing."

No evidence has been provided of this, thus the Parish Council has conducted its own investigation - our contact tells us the site has neither been sold nor is it under offer. TDC can likely confirm this for themselves.

In the absence of any compelling evidence of the land's sale or removal from the market, the Parish Council remains of the view that it is available.

The applicant agrees that the site is fully accessible but appears to take the view that this should be weighed against the "added travel time" for the business and suggests that the location is not as sustainable as the Ardleigh site due to the increased HGV traffic along the A120.

The Parish Council responds that the A120 is part of the Strategic Road Network. It is highly suited to HGV movements and eminently capable of sustaining those additional movements that would be generated by the proposed B8 use⁸.

As noted previously, the ELR which the applicant has sought to rely on gave Land South West of Horsley Cross a score of 8/10 for proximity to the Strategic Highway Network, compared to Crown Business Centre's (also on Old Ipswich Road in Ardleigh) score of 4/10.

⁸ Ardleigh Parish Council is of the reasonable view that the site would not be formally allocated for 11.2 ha of B2 and B8 use (policy PP7) if the District Council considered it was poorly accessible by HGVs or that the affected road networks would be incapable of sustaining the resultant increase in HGV movements

Land South West of Horsely Cross is an approximate 10-minute drive (c. 8 miles) from the proposed site in Ardleigh. The route follows the Strategic Road Network, only leaving the A120 where it meets the A12 to access Old Ipswich Road.

The Parish Council firmly disagrees that sites located within a mere 10-minute drive of the currently proposed site should be discounted due to “added travel time” for the business.

An additional 10-minute journey along the Strategic Road Network does not represent the environmental harm implied by the applicant. Certainly, it is insignificant when compared against the substantial environmental harms associated with siting the development on this particular tract of best and most versatile working agricultural land adjacent to a forthcoming Country Park in the rural hinterland of the low-tier rural village of Ardleigh.

The applicant also takes the spurious view that the Horsely Cross site allocation was previously agricultural land, thus any objection to the proposed permanent loss of the working agricultural field in Ardleigh is without merit.

The Parish Council strongly rejects this stance. The Horsely Cross site is formally allocated for B2 and B8 employment use (policy PP7), following a thorough and professional site selection and assessment exercise, as conducted by TDC and reviewed by the Secretary of State in their recent evaluation of the Local Plan.

The site in Ardleigh has not been subject to such a thorough or unbiased assessment and has not been put forward in the Local Plan as an allocated employment site. The Parish Council remains confident that the site would not pass such an assessment.

The Parish Council notes that many of the employment site allocations at PP7 were formerly in agricultural use. This does not suggest that any and all agricultural/greenfield sites in Tendring are consequently suitable for speculative employment development.

Would the applicant also take the view that working agricultural sites in Ardleigh’s countryside are indiscriminately suitable for major housing development on the basis that the Local Plan contains some housing allocations on sites formerly in agricultural use?

Application Site - Ardleigh

The purported “uniqueness” of the site’s availability - alleged to arise from the site owner’s willingness to sell the land to the applicant - is not a material planning consideration.

Furthermore, the applicant provides no evidence that they have made any other reasonable offers on more suitable sites (such as those in higher-tier settlements OR allocated for a B8 use in the Local Plan and not yet sold, including Land South West of Horsley Cross) that have been rejected.

This is noteworthy as if the applicant did provide evidence of a rejected offer on Land South West of Horsley Cross, for example, it would be very difficult to refute their stance that this site is not available. The lack of any such rejected offers (which would have a negligible cost to the applicant in terms of both time and money) is thus telling.

The applicant refers to a “significant uplift in biodiversity”. This is vastly inaccurate. Whilst measures to mitigate the harm to local biodiversity would be taken, the transformation of an undeveloped and tranquil agricultural field to an intensive, 24/7 industrial use would comprise a substantial and integral harm to local biodiversity that could not be outweighed with the addition of a few site features. The nocturnal harm to local bat populations is of particular concern to the Parish Council and has not been properly investigated (see comments in their original objection letter).

The applicant suggests that the proposed application site supports “an efficient layout”. The Parish Council firmly disagrees. As noted in their original objection letter, the site measures c. 9 ha, however c. 3.35 ha of this is “undeveloped”, given over instead to necessary landscape, biodiversity and drainage mitigation. This use of space is required due to the unsuitable site location and highly sensitive rural landscape. If the site were appropriately located in an urban (or edge of urban) location, the total site area could be reduced to c. 5.65 ha which would make far more efficient use of land and greatly reduce the carbon footprint associated with the site’s delivery.

The site’s easy access to the Strategic Road Network and ample size are not unique or even rare features and could be found on various more suitable sites located within or adjacent to the District’s higher-tier settlements where - contrary to the current site - development of this scale and nature is acceptable in principle.

2. The applicant has failed by a considerable margin to justify their stance that - in the absence of any suitable and available industrial site allocations - the proposed development of this Greenfield site located outside of a lowest-tier village settlement is justified. In particular, the applicant has failed to apply the “sequential test” approach to settlement/site selection required by development plan policies SPL1, SPL2 and PP7 and their supporting text

Having briefly assessed “a total of seven sites” - one being the application site itself and the other six comprising employment sites allocated by local policy PP7 - the applicant concludes that the only site that is available and suitable is the application site.

The Parish Council has serious concerns with this approach and considers the “sequential test” to be severely lacking, as justified below.

The results of the applicant’s “sequential test” are predicated on the following approach to site selection and assessment:

1. Consider the suitability of sites formally allocated for B8 use in the Local Plan; and
2. If no formally allocated sites are suitable, consider the suitability of working best and most versatile agricultural land located in open countryside related to the District’s lowest-tier rural villages.

The Parish Council considers that there are many steps missing from the above approach to site selection and assessment, not least consideration of the following types of sites (all of which should appear between steps 1 and 2 above):

1. Brownfield sites within the Settlement Development Boundaries of the various Strategic Urban Settlements;
2. Brownfield sites within the Settlement Development Boundaries of the various

-
- Smaller Urban Settlements;
3. Brownfield sites outside the Settlement Development Boundaries but otherwise well related to the various Strategic Urban Settlements;
 4. Brownfield sites outside the Settlement Development Boundaries but otherwise well related to the various Smaller Urban Settlements;
 5. Brownfield sites within the Settlement Development Boundaries of the various Rural Service Centres;
 6. Brownfield sites outside the Settlement Development Boundaries but otherwise well related to the various Rural Service Centres;
 7. Greenfield sites within the Settlement Development Boundaries of the various Strategic Urban Settlements;
 8. Greenfield sites within the Settlement Development Boundaries of the various Smaller Urban Settlements;
 9. Greenfield sites outside the Settlement Development Boundaries but otherwise well related to the various Strategic Urban Settlements;
 10. Greenfield sites outside the Settlement Development Boundaries but otherwise well related to the various Smaller Urban Settlements;
 11. Greenfield sites within the Settlement Development Boundaries of the various Rural Service Centres;
 12. Greenfield sites outside the Settlement Development Boundaries but otherwise well related to the various Rural Service Centres;
 13. Brownfield sites within the Settlement Development Boundaries of the various Smaller Rural Settlements;
 14. Brownfield sites outside the Settlement Development Boundaries but otherwise well related to the various Smaller Rural Settlements; and
 15. Greenfield sites outside the Settlement Development Boundaries but otherwise well related to the various Smaller Rural Settlements.

Only once all of the above steps had been exhausted should the applicant have even considered the application site in Ardleigh which comprises a Greenfield site outside the Settlement Development Boundaries and poorly related to a Smaller Rural Settlement.

The applicant has chosen only to assess the site allocations and, finding none of these to be suitable⁹, takes the stance that the development of the site in Ardleigh is consequently justified.

⁹ the Parish Council disputes this finding

The applicant also appears to take the view that a “sequential test” is not strictly necessary in this instance, usually only applying to certain flood and retail-related developments. It is implied that the Supplementary Sequential Test Statement has only been provided to placate the District Council and not because it is a fundamental and highly important requirement of the Development Plan.

The Parish Council strongly rebuts this stance, as justified below.

The Development Plan provides specific employment site allocations (at policy PP7). However, it is not written to resist the development of any industrial sites outside of - or over and above - those specifically allocated by policy PP7. On the contrary, the recently adopted Local Plan is supportive of additional industrial development and provides appropriate, plan-led opportunities for such developments.

The appropriate, plan-led approach to siting industrial developments of this nature is as follows:

Policy PP7 contains the following text: “Proposals for new employment-related development on land outside of these allocations will be considered having regard to their potential to support economic growth in the district and the requirements of other policies in this Local Plan.”

The most relevant “other policies in this Local Plan” are policies SPL1 and SPL2 which provide the strategic approach to all types of development - including employment/ industrial - throughout the District.

Policy SPL1 provides the District’s Spatial Strategy in the form of a hierarchy of settlements. The policy’s supporting text confirms that:

“Growth needs to be carefully managed so as not to lead to unsustainable developments in remote and poorly accessible locations. The settlement hierarchy prioritises locations with access to the strategic road network, public transport and which have the potential to offer the widest range of services. All settlements which may experience growth have a development settlement boundary. Those without a settlement development boundary are considered to be part of the countryside” (Paragraph 3.3.1).

The policy's supporting text also provides very helpful information concerning each tier of settlement in the hierarchy. For example, paragraph 3.3.1.1.1 confirms that Strategic Urban Settlements are the most suitable locations for growth and provide locations where "it is possible to create a significant number of additional new jobs and delivery sustainable housing growth on a larger scale."

Moving down the hierarchy, paragraph 3.3.1.2.1 confirms that Smaller Urban Settlements provide locations where "it is possible to create a significant number of additional new jobs and deliver sustainable housing growth on a large scale".

Paragraph 3.3.1.3.1 confirms that development in Rural Service Centres "will be of a scale that is proportionate, achievable and sustainable for each of the settlements concerned having regard to the existing size and character of each settlement; their more limited range of jobs, shops, services and facilities; and any physical, environmental or infrastructure constraints".

Finally, paragraph 3.3.1.4.2 confirms that Smaller Rural Settlements (including Ardleigh), "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 an ageing population."

Policy SPL2 is also highly relevant as it provides that "Outside of Settlement Development Boundaries, **the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1** and any other relevant policies in this plan" [bold emphasis added].

The application site is outside of any defined Settlement Development Boundaries, thus the above policy provision is directly relevant.

Having due regard to this provision and that of policy PP7, it is indisputable that proposals for employment-related development on land outside of the formal allocations

of PP7 must have regard to the spatial strategy provided by policy SPL1's settlement hierarchy.

In terms of large scale employment developments (as proposed by 20/00594/FUL), the settlement hierarchy is clear that the appropriate place for these is the Strategic Urban Settlements and the Smaller Urban Settlements.

Consequently, any application proposing large scale employment development (such as 20/00594/FUL) should first consider all suitable sites located within the Settlement Development Boundaries of the Strategic Urban Settlements and Smaller Urban Settlements.

Only when/if such a thorough investigation resulted in no sites, should sites at the next tier of the Settlement Hierarchy - Rural Service Centres - be considered. And so on and so forth.

If such an investigation turned up no sites within the Development Boundaries of any settlement in the Hierarchy (including the Smaller Rural Settlements), then the same process should be carried out for countryside land, i.e. considering sites in the rural hinterlands of the Strategic Urban Settlements, then considering sites in the rural hinterlands of the Smaller Urban Settlements, then considering sites in the rural hinterlands of the Rural Service Centres etc.

This form of "sequential test" is the bare minimum required to justify the applicant's choice of a Greenfield site located in the rural hinterland of a Smaller Rural Settlement.

The failure to conduct this exercise means that substantial conflicts arise with the following recently-adopted strategic Development Plan policies:

SPL1, SPL2 and SPL3.

Paragraph 12 of the NPPF is clear that "where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

The Parish Council is of the reasonable view that all the same public benefits of the development would accrue if it were to be relocated to a suitable location in accordance with the spatial strategy and settlement hierarchy. This relocation would also very likely reduce the harms associated with the development (for example, due to its poor accessibility by sustainable transport modes).

This view is shared by neighbouring Colchester Borough Council who took the following firm stance in their 11/08/2020 consultation response to the application¹⁰:

The Borough Council acknowledges 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. In conclusion, the current scheme is contrary to significant key local plan policies and does not represent sustainable development. We urge TDC to support the applicant in identifying alternative allocated employment sites; including those within CBC providing good access to the primary highway network and capable of delivering the requisite mitigation for the development.

With this in mind, material planning considerations certainly do not indicate that a decision should be taken contrary to the recently-adopted development plan in this instance. On the contrary.

¹⁰ Colchester Borough Council is also of the view that the applicant should have considered site allocations in Colchester Borough in addition to allocated sites in Tendring. The applicant has not considered any sites in Colchester, nor provided any justification for this failing

Conclusion

The applicant's Supplementary Sequential Test Statement falls far short of justifying the proposed substantial departure from the recently-adopted development plan in Tendring.

The assessment of Tendring's specific employment site allocations lacks the rigour and objectivity required for a supporting document of this nature and importance. A number of the report's "findings" are false, misleading or else highly subjective.

Whilst some of the matters discussed are subjective by nature and therefore open to interpretation, this merely highlights the need for the assessment to be carried out by a suitably qualified and unbiased party.

The Parish Council would thus urge that a comprehensive site selection/assessment exercise (or "sequential test") is carried out by a suitably qualified and unbiased party.

The lack of any consideration of other more sustainable/suitable sites in the District - as expressly required by the Spatial Strategy, Settlement Hierarchy and Strategic Employment Allocations policies (SPL1, SPL2 and PP7) - is a very significant omission of the applicant's Supplementary Sequential Test Statement that wholly undermines its findings.

The applicant's stance that this tract of working best and most versatile agricultural land located in Ardleigh's rural hinterland is, effectively, the "seventh best" choice of site in all of Tendring District is frankly risible and should be taken with a considerable pinch of salt by the decision-maker.