

Alice Brown
Wayford Lodge
Wayford, Norwich
NR12 9LL

3 November 2020

Calum Pollock, Planning Department
Broads Authority

Ref: Objection to BA/2020/0335/FUL, Supplementary

Additional comments of objection to BA/2020/0335/FUL to be included and read in conjunction with my letter of Objection dated 22 October 2020.

Dear Mr Pollock,

As the deadline for response has been already extended, I would like to submit these further comments to be read in conjunction with my Objection dated 22 October 2020 following the Agent's most recent responses including:

- Emails of support (dated after the Standard Consultation Expiry Date of 23 October 2020);
- Response to landscape. Financial projections from the Applicant's Agent, dated 29 October 2020.

Summary

Despite the Agent's latest response referenced above, the proposed planning application BA/2020/0335/FUL for development comprising 3 Pods at the land at Redbeck, Dilham, still fails to satisfy policies:

DM27, DM29, DM13, DM16, DM21 and DM23

As a result, planning permission must be refused:

- **To comply with the Broads Authority's own policies;**
- **To comply with the NPPF;**
- **To ensure that the duty of care is afforded the general public in protecting their rights of access to public space, essential in maintaining their physical and mental health;**
- **To ensure that the law regarding public right of access over the PROW network is upheld, over and above any landowner or devolved rights the landowner attempts to convey to others.**

Proposed development is still contrary to DM27 - Business and farm diversification

- As already stated, the proposed scheme does not support his farming business. Creating completely new venues for the purposes of letting or selling on, is not diversification or in the spirit of it, any more than building houses. It is intended for Farm Holidays, Farm Shops, a Vineyard or producing your own products such as ice cream or yogurt (dairy farm), or a Farm Butchers shop for meat producers. Diversification was cited as a reason for the previous two

applications, one of which could be added to. Also the renovation of the barn currently being undertaken and being discussed by NNDC is also diversification. Is there a limit on how many times or to what extent the diversification card can be played?

- I understand that both the tourism sites which exist are managed by other companies. Canal Camping is run by Spring Farm Systems Limited, which also runs Hickling Campsite (this explains the belated email of support from Jo dated 31 October 2020). Also of note is the email of support from David Attew dated 28 October 2020 who clearly has a great deal of experience as the owner of Deer's Glade and Deer's Mead Caravan and Camping Parks. What he has forgot to mention of course is that Deer's Glade also manages the Tonnage Bridge Glamping site, a fact that is evident from the Terms and Conditions which exist on the Tonnage Bridge Glamping website. This probably explains why both the FROM header (company name or person's name) and the FROM email address has been redacted from the copy of this email entered into public record. So clearly both of these individuals have a direct, vested interest here so such support would be expected.
- The need to use Redbeck (a Greenfield site) over adding the 3 pods to the existing Tonnage Bridge Glamping site still has not been proven or indeed demonstrated. The setup costs would be undoubtedly considerably lower to site three pods on the already established and very profitable (according to the Agent) Tonnage Bridge Glamping site.

In his recent email the Agent states: *'Whilst the proposal is modest in scale (just three units), the proximity to the Tonnage Bridge site allows for certain efficiencies in cleaning, running booking systems and admin, management and staffing of the sites'*.

We now know that the Tonnage Bridge Glamping site is run by a third party (David Attew of Deer's Glade) who will also be managing the proposed site. In light of this, surely it would be even more convenient for management if the extra three pods were to be added to the Tonnage Bridge site as cleaning and maintenance staff would not need to traverse the restricted byway to support so few additional pods. Especially as the applicant proposes Air B&B, hotel style booking (where no 'changeover' days exist. This results in a constant, daily cleaning and maintenance regime similar to a hotel, leading to constant arrivals and departures and necessitates near permanent site staffing.

The management of the proposed site by a third party confirms why the applicant is not prepared to take any responsibility for the inevitable illegal use of Restricted Byway 11 by motor vehicles. Clearly, as a landlord, the Applicant cannot control nor in fact strongly influence the holiday makers, nor the cleaning and management staff as they have nothing to do with him. The right of a landowner to convey permission to access the restricted byway for motorised vehicles to a tenant / operator, then for the operator to convey permission to the holiday makers, for the holiday makers to then convey permission to a delivery driver who has the unenviable job of delivering a Pizza to a pod on the proposed development assisted by their Sat-Nav (which will indicate the site is located on Broad Fen Lane, not Oak Road) is questionable at best.

- In her email dated 31 October 2020, Jo from Canal Camping made some notable points. I certainly agree that *'everyone should have access to appreciate this beautiful country'*.

Any use of Restricted Byway 11 by motorised vehicles of any kind directly affects the general

public's experience of this Broadland landscape and their enjoyment of the countryside. By extension, should their enjoyment be diminished the usage of the adjoining footpaths which make up our great PROW network will reduce.

- The other letters / emails of support, all support tourism in the area for generating additional income for various businesses. This can equally be achieved by using an existing site.
- The application is entirely 'New Build' development so will always be completely contrary to DM27.

Proposed development is still contrary to DM29 - Sustainability

Nothing has changed in this regard. Refer to the comments in my letter of objection of 22 October 2020.

Proposed development is still contrary to DM16 - Development and landscape

Nothing has changed in this regard. Refer to the comments in my letter of objection of 22 October 2020.

Proposed development is still contrary to DM13 - Natural Environment

To reiterate my previous conclusions...

- To secure development in such a sensitive location, adjacent to an SSSI we must ensure that the natural environment has been protected. Where there is any chance that the effects of this development (direct or indirect) could endanger the SSSI, it is reasonably practicable to consider an alternative location for development. Since I have stated that such an additional 3 pods could be easily accommodated at the Tonnage Bridge site (thus avoiding the Restricted Byway and SSSI) much more quickly and cheaply, DM13 has not been satisfied.
- It is noted that Natural England withdrew their objection due to the amendment of the proposal to transport the treated water from the sewage treatment plant via a pipe to be connected to the farm irrigation system. The Agent comments on this briefly, stating that a 20mm MDPE pipe would be adequate to connect to the farm irrigation system. Whilst this seems woefully undersized when considering the distances involved, I am sure all will become clear when the complete plans of the farm irrigation system are published. Such detail is undoubtedly necessary to assuage any concerns that Natural England and the public may have that all the treated material will be removed from such an environmentally sensitive site. However, I am surprised that such a method can be considered at all as the irrigation system to receive the treated effluent lies outside the red line boundary of the submitted Site Plan. Surely this jeopardises any possible control any authority would have to enforce the continued removal of this treated effluent by this method. Would Natural England be happy with a proposal which showed the entire Sewage Treatment Plant being located outside the bounds of the Site Plan (red line)? This situation is no different. Thus, as the removal of the treated effluent away from the SSSI cannot be guaranteed, surely the initial objection raised by Natural England must remain.

Proposed development will always be contrary to DM23

As this is so important I will restate my conclusions from my Objection of 22 October 2020.

Policy DM23 states:

When determining development proposals, the Authority will safeguard public rights of way and ensure that future routes are not compromised. Development will not be acceptable where it would result in the severance or loss of an existing public route.

- Putting motor vehicles on a Restricted Byway clearly does not safeguard public rights of way. As the general public rights of access exceed the rights of the landowner over the PROW, the sheer presence of any motor vehicles act as a physical obstruction to the general public's legal right of access.
- Should this application be approved, undoubtedly the use of this restricted byway by motor vehicles will increase. As a consequence the route will be less used by walkers, cyclists and horse riders for both reasons of safety and that of visitor experience (it will no longer feel like a walk in the countryside). This will result in the effective severance of the picturesque footpaths from the PROW network which stem from Restricted Byway 11.
- By proposing the development at the Redbeck site the Applicant is attempting to 'rubber stamp' the use of Restricted Byway 11 as an access road without planning consent, or indeed any public scrutiny. This opens up the possibility for many additional tourism venues / businesses along the PROW.
- By using Restricted Byway 11 for motor vehicles you would have effectively joined Broad Fen Lane with Oak Road at both ends, producing a circular route. In such circumstances it is practically impossible to have any control over traffic volume and behaviour.
- With reference to the Agent's email of 29 October, we have been reminded that the LA has already commented that it is difficult to be confident that the proposal will result in relatively few additional vehicle trips above and beyond the existing. Now we are aware that the Applicant is not running the current Tonnage Bridge Glamping site and will not be managing and therefore have no direct control of the proposed Redbeck site, the extent to which motorised vehicles could traverse the length of Restricted Byway 11 could not even be estimated with any degree of accuracy required to produce a Traffic Assessment, let alone controlled in reality. By granting this application **you would be giving permission for an UNLIMITED number of motorised vehicular movements over Restricted Byway 11** and by extension the connected highway network. A situation that the Applicant or any other owner of any site located along Restricted Byway 11 can use to their advantage to quash NCC or Highways concerns over further development proposals.
- Whilst the inclusion of a clear Site Plan is welcome, it is noted that the entire length of Restricted Byway 11 (proposed as the only method that motorised vehicles can access the development site) lies outside the red line (scope) shown on the Site Plan. This prevents any future enforcement to stop the inevitable illegal use of the Restricted Byway 11 should this application be granted. Any signage or other suggestions to be located on the byway, notwithstanding the already stated legal issues, are also out of scope. They are not mandatory and are unenforceable.
- I welcome the submitted Landscape Plan and applaud the level of detail provided. For those wondering what the grey band at the top of the plan is, that would be Restricted Byway 11, the sole means of access via motorised vehicles (cars, motorbikes) to and from the proposed site over a length of more than 1km. I find it surprising that in such detailed plans basic illustrations could be missed !

Policy DM30

I have not commented on the applications' financial viability before, as until now the Applicant has provided no financial information to demonstrate that this proposal or the previous planning application has a sound financial basis.

Policy DM30 requires that *the applicant provides clear evidence that the proposed holiday accommodation has been planned on a sound financial basis and takes into account demand for this type of accommodation in the area it is proposed.*

It should be noted that no demonstration or indeed evidence has been provided to indicate that the Redbeck site fulfills a greater tourism need than the already extremely popular Tonnage Bridge Glamping site. Another reason why the three additional pods would be better located at the Tonnage Bridge Glamping site.

As the accuracy of the figures provided in the 'business plan' cannot be verified and as the Tonnage Bridge Glamping site is managed by a third party, I cannot see how compliance with DM30 can be assured. However, on looking at the figures the margins look extremely tight (high operating costs). I find it impossible to believe that an Applicant would go to this much trouble to secure planning in a specific position (when numerous indications have existed suggesting it would be more cost effective if it were located elsewhere) for such little reward, unless this was to pave the way for further tourism development along Restricted Byway 11.

Conclusion

Throughout this document and in my letter of Objection dated 22 October 2020, I have demonstrated that the proposed three additional pods would be better located at the existing Tonnage Bridge Glamping site.

However, the Agent's recent email confirming that the proposal will be marketed as an **adults only** site provides an alternate explanation for the Applicant's insistence in using the Redbeck site.

Is this proposed glamping site to be a Naturist venue (Nudist retreat)?

This would explain a great deal of the statements made by the Agent.

- The Agent has already stated that the pods are a higher priced offering. Due to the limited number of Naturist sites within the UK there is certainly a niche market to be exploited so a high price per night could be achieved.
- It explains why clearly these three pods must be located away from the Tonnage Bridge site, a family oriented offering;
- It explains the Agent's insistence that once arrived people will not venture out in their cars and will remain on site. (However, such sites will not contribute the £60,000 to the local economy as stated as guests will not be frequenting local restaurants and Pubs etc);
- It explains the necessity in obtaining permission for the 6 persons who will be staying at the proposed site to walk through the SSSI on a newly created private path, accessed only from the proposed site. Probably better than venturing out onto the Public Right of Way! This may make enforcement of the Countryside Act by the Police rather awkward. (Definitely a subject for Matt in the Telegraph.)

Of course, should this permission be granted there would be nothing to stop the current owner or any future owner of this site in marketing this new glamping offering in this way. Whilst I have nothing against naturism, I cannot support any development which has the consequences of putting even a single motorised vehicle onto a Restricted Byway.

As a provider of holiday accommodation myself I am strongly in favour of promoting Broads Holidays and welcome a greater variety of tourism offerings throughout our wonderful area. Throughout the first COVID-19 lockdown I, like many other local people including young families have been venturing out onto our footpaths, bridleways and restricted byways more than ever before. As COVID-19 impacts people's finances, free activities that provide much needed exercise and have such great benefits to our mental health will be in high demand. The excellent public right of way network fulfills that desperate need.

The general public has walked along what is now called Restricted Byway 11 and the adjoining footpaths for centuries. The Broads Authority, NNDC and NCC all have a duty of care to uphold the legal rights of the general public and ensure that the countryside can be enjoyed by all, for generations to come.

Yours sincerely,

03 November 2020 | 17:21 PM GMT

DocuSigned by:

 35E71986B5A946A...
 Alice Brown

CC NNDC Planning (planning@north-norfolk.gov.uk)

CC PROW (prow@norfolk.gov.uk)

CC Stuart French, NNDC Highways (stuart.french@norfolk.gov.uk)

CC Dilham Parish Council (Mrs Jodie Butler, dilhamparishcouncil@outlook.com)

CC Planning Department, North Norfolk District Council (planning@north-norfolk.gov.uk)

CC Duncan Baker, MP (duncan@duncanbaker.org.uk) (as he has shown an interest in the proposal the first time around)

CC ProtectedSites@naturalengland.org.uk

As Fergus Bootman, the applicant's Agent, took it upon himself to directly correspond with planning committee members during BA/2020/0002/FUL (without sending a CC of the correspondence to the BA to be placed on public record), copies have also been sent to:

James Knight (jknight@s-norfolk.gov.uk)

Harry Blathwayt (harry.blathwayt@north-norfolk.gov.uk)

Stephen Bolt (stephenrbolt@hotmail.com)

Bill Dickson (bill.dickson@broads-authority.gov.uk)

Andrée Gee (andreeback@btinternet.com)

Lana Hemsall (lanahemsall.ba@gmail.com)

Tim Jickells (t.jickells@uea.ac.uk)

Bruce Keith (lbrucekeith@yahoo.co.uk)

Fran Whymark (fran.whymark.cllr@norfolk.gov.uk)

A copy of this document is available for download from <https://broadfen.com>.

References

In **addition to this document** please add the following documents, forming part of my objection to BA/2020/0335/FUL to public record and planning portal:

22 October 2020	Objection to BA/2020/0335/FUL DocuSign Envelope ID: 788D975B-C726-4C63-8B43-AF4593E2776F
17 February 2020	Objection to Planning Application BA/2020/0002/FUL DocuSign Envelope ID: 191FD4D3-F0B9-4F7A-BAB3-1184C7B63F77
28 February 2020	Our video and photos taken of Restricted Byway 11 (the proposed method of vehicular access for the development) on 28 February 2020 can be viewed at: https://broadfen.com/public-rights-of-way/dilham-restricted-byway-11.html
3 March 2020	Additional Points of Objection to BA/2020/0002/FUL DocuSign Envelope ID: E327280D-7BF8-4441-88EA-AE1ADD86C9E0
7 May 2020	Objection to Planning Application BA/2020/0002/FUL 'Use of land for siting five 'glamping' pods with associated car/cycle parking, siting of package treatment plant and polishing reedbed. Land At Redbeck Adjacent Dilham Restricted Byway 11 Dilham Norfolk' DocuSign Envelope ID: 798059B0-F5B6-4E80-BA22-4C8E33C6AB6E
25 May 2020	Request to Speak at Planning Meeting to be held on 29 May 2020; Application ref. BA/2020/0002/FUL DocuSign Envelope ID: D82246B9-359A-4D0A-8324-6FA463E735A5