

Alice Brown
Wayford Lodge
Wayford, Norwich
NR12 9LL

3 March 2020

Calum Pollock, Planning Department
Broads Authority

Ref: Additional points of objection to BA/2020/0002/FUL

References:

Our letter of objection to you dated 17 February 2020 (DocuSign envelope ID 191FD4D3-F0B9-4F7A-BAB3-1184C7B63F77)

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>

Dear Mr Pollock,

The following comments are supplementary to my Objection to BA/2020/0002/FUL with photographic evidence dated 17 Feb. 2020.

I write to further explain and clarify some information which has been added to the documents section on this application since my objection dated 17 Feb. to ensure that the Authority has all the necessary information.

- A. Potentially misleading information regarding the nature of the vehicular access to the site of the potential development has been presented;
- B. The applicant has not demonstrated how he will prevent motorised vehicles using Broad Fen Lane;
- C. The Law with regard to Restricted Byways;
- D. The permitted conversion of a Restricted Byway into a road sets a dangerous precedent;
- E. Serious safety issues exist if the proposed route of Broad Fen Lane is used by cyclists and pedestrians;
- F. The proposed location is of historical and biological importance;
- G. Objection to the Broads Authority not having a committee hearing on a matter of such importance.

A. Potentially misleading information appearing regarding the access to the proposed site

In his letter of 19 Feb. 2020 (ref 9/8/20/0002), Stuart French (NNDC Highways) requested the applicant provide a plan showing the access route to the application site from Oak Road. In response the applicant

has provided a plan, entered into Broads Authority documents on 24 Feb. 2020. Unfortunately this plan fails to indicate the part of the proposed access where the motor vehicles are expected to travel on Restricted Byway 11. On the following page I have enclosed a copy of the applicants map and have indicated in blue the part of the Restricted Byway which the applicant proposes to use to access the new glamping site by motor vehicles.

This is further illustrated by our video and photographs taken of Restricted Byway 11. The full copy of the video taken on 28 Feb. 2020 can be streamed here:

<https://broadfen.com/public-rights-of-way/dilham-restricted-byway-11.html> . Part of the video can also be found on YouTube. As the Broads Authority does not seem to support video I have enclosed individual frames taken from the video within the appendix.

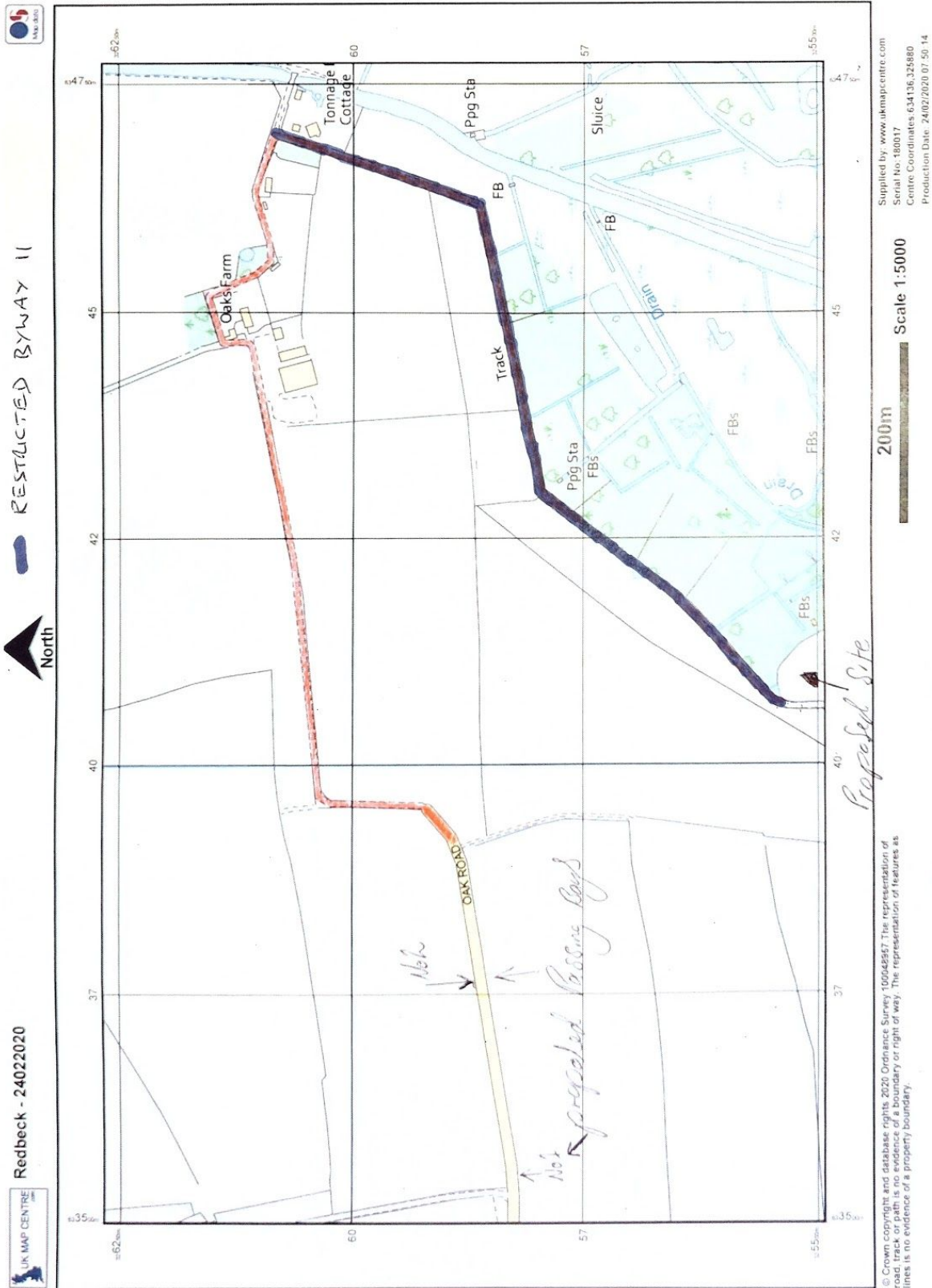
The title of the planning application just adds to confusion. Obviously neither the Broads Authority or the applicant have any intention to mislead planners, consultants or members of the public. In the interest of clarity the planning application title must be amended:

*'Use of land for siting five 'glamping' pods with associated car/cycle parking, siting of package treatment plant and polishing reedbed. | Land At Redbeck **accessed by** Dilham Restricted Byway 11 Dilham Norfolk'.*

B. The applicant has not stated how he will prevent motorised vehicles using Broad Fen Lane.

In his letter of 19 Feb. 2020 (ref 9/8/20/0002), Stuart French (NNDC Highways) requested that the applicant state what measures the applicant proposes to prevent motorised access to and from Broad Fen Lane. In his response the applicant suggested that a 'physical barrier and or signage' be used to prevent motor vehicles turning left out of the proposed site onto Broad Fen Lane. Since this is **not a public road**, signage will not prevent a driver doing anything. As for the suggested 'physical barrier' he does not state what this comprises. If he is referring to the tractor tyre occasionally placed down the Restricted Byway, based on the tyre marks in the bank the vehicles drove around it. The nature of the physical barrier must be known as it must be decided whether it has the capability to act as a permanent obstruction to motor vehicles (this includes motorcycles) from accessing Broad Fen Lane while maintaining the public right of access of horse riders, cyclists and walkers over the full length of the byway. I do not believe there is a 'physical barrier' which could meet these requirements.

The applicants suggestion that guests will use the postcode of the farm in their Satellite Navigation and thus will always access the site by the intended route is laughable. In my experience, despite being instructed, many people often do not use the postcode on their Sat Nav and instead use text search which links with services such as Google Maps. This often calculates distance by coordinates rather than postcode and so is more likely to send the guests via Broad Fen Lane than Oak Road.



Copy of the applicants map indicating the route proposed to access the new glamping site by motor vehicles. From the main highway this consists of Oak Road (yellow), followed by the further road section (marked in red) which leads around Oak's Farm and private houses, then turning right over the restricted byway (marked in blue) to the proposed development site.

C. The Law with regard to Restricted Byways

The Law is quite clear regarding Restricted Byways. In his letter of 19 Feb. 2020 (ref 9/8/20/0002), Stuart French (NNDC Highways) (inf.1) clearly states that it is an offence to carry out any work on Highways or Rights of Way without permission of the Highways Authority. The engineering changes to raise the level of the Restricted Byway with tonnes of aggregate / tarmac chippings etc., should have had permission granted for improvement works prior to any application for a change of use to a road to facilitate further development.

D. The permitted conversion of a Restricted Byway into a road sets a dangerous precedent

Granting permission directly (or by awarding permission by necessity through another application as is the case here) for a Restricted Byway to be used as a road sets a dangerous precedent. How many Footpaths, Bridleways and Restricted Byways will suddenly become roads?

Further to my comments in Section A of my letter of objection, the intensive use of a Restricted Byway for motorised vehicles of all sizes poses a risk to the safety of the many members of the public who walk, cycle and ride horses along the byway. Such vehicles will effectively be creating a permanent obstruction to public access and therefore contravene the legal rights of the public.

Members of the public expect Councils and other public bodies to safeguard their rights to access the countryside when considering any applications for development.

E. Serious safety issues exist if the proposed route of Broad Fen Lane is used by cyclists and pedestrians

There has not been a further comment from Highways regarding the proposal to have visitors on the existing and proposed Pod site (15 Pods) to use Broad Fen Lane on Bicycles and on foot. As my letter of objection dated 17 February 2020 clearly states (with photographs), this would be a serious safety issue.

F. The proposed location is of historical and biological importance

The proposed site for the additional glamping pods is the field named Redbeck which adjoins Broad Fen. If any of the planning committee visit this site they will observe that it is about one and a half meters lower than the surrounding land. This site was dug for sand for Dilham brick works, hence I suspect the name! Many of the old cottages in the village are made from these local bricks, although only the seconds were used locally, the perfect ones being sold and moved by Wherry from Tylers Cut. Redbeck has historical interest. The area of Broad Fen is even mentioned in the Domesday Book! I think the area is pretty exciting and another reason why the proposed development should be changed to an area of less importance.

G. Objection to the Broads Authority not having a committee hearing on a matter of such importance

I very strongly object to this application not being considered by a committee. Members would undoubtedly have questions regarding such a complex application. In addition, a committee hearing allows the public an opportunity to observe and voice their opinion.

Yours sincerely,

03 March 2020 | 12:12 PM GMT

DocuSigned by:
Alice Brown
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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 Ramblers Association (ramblers@ramblers.org.uk)
CC The British Horse Society (access@bhs.org.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)
CC Ian Clarke, EDP (ian.clarke@archant.co.uk)

Appendix

Photos extracted from video taken of Restricted Byway 11 (the proposed route for all motor vehicles to access the application site), 28 February 2020.









