by email to:
developmentmanagement@wiltshire.gov.uk

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Open Spaces Society

TEL 01491 573535
EMAIL hq@oss.org.uk
WEB www.oss.org.uk

COMMENT ON PLANNING APPLICATION PL/2023/09364

This comment on Planning Application PL/2023/09364 is submitted for and on behalf of the Open Spaces Society, Britain's oldest national conservation body. We are a charity that:

- Campaigns for stronger protection and opportunities for everyone to enjoy commons, greens and paths.
- Defends open spaces against loss and pressures from development.
- Assists local communities so that they can safeguard their green spaces for future generations to enjoy.

Policy and Strategy Context:

Both the National Planning and Policy Framework and the Wiltshire Core Strategy for a local development framework provide specific guidance on planning policy and decision-making regarding the effects of development on public rights of way:

"*Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*" (NPPF paragraph 100)

"Appropriate long term management of green infrastructure is essential and developers will be required to contribute to this through the provision of measures including financial contributions, management schemes and management plans." (Core Strategy Policy 52 paragraph 6.95)

"Development shall make provision for the retention and enhancement of Wiltshire's green infrastructure network, and shall ensure that suitable links to the network are provided and maintained. Where development is permitted developers will required to:...

> *iii. put measures in place to ensure long-term management of any green infrastructure directly related to the development...*
>
> *v. identify and provide opportunities to enhance and improve linkages between the natural and historic landscapes of Wiltshire.*

If damage or loss of existing green infrastructure is unavoidable, the creation of new or replacement green infrastructure equal to or above its current value and quality, that maintains the integrity and functionality of the green infrastructure network, will be required." (Core Strategy Policy 52 on page 272)

In addition, the Wiltshire Countryside Access Improvement Plan 2015-2024 RoW Improvement Plan 2 states as objective 2-2 *"create and promote circular route opportunities"* and at objective 2-3 to *"Reduce the extent to which the continuity of the network is interrupted by busy roads."*

Comment on Planning Application:

Odour:

The planning application and its associated odour assessment do not adequately consider the layout of the rights of way network near the proposed development site,

The site of the proposed digestate lagoon is within close (1km or less) or very close (within 500 metres) proximity to the following bridleways and restricted byways to the North of the A303:

i. Restricted Byway KDEV 15 (c 1 km is within 500 metres of the site: total length of byway is 1.68km)
ii. Restricted Byway KDEV 16 (c 900 metres within 500 metres of the site: total length of byway is 968 metres)
iii. Bridleway CHIC 13 (all of its length of 77 metres is within 500 metres of the site)
iv. Bridleway CHIC 12 (all of its length of 746 metres is within 1km of the site)
v. Bridleway WKNO 21 (c400 metres of its total length of 1.34km is within 1 km of the site)

The odour assessment is based on process guidance published by the Institute of Air Quality Management 2018. But the assessment considers only 4 receptor locations at distances greater than 500 metres from the lagoon (4.19 and 4.13) against the criteria of residential and commercial uses.

No assessment is given on receptors (ie people) using the rights of way for leisure within 500 metres of the site, despite the IAQM 2018 guidance stating that *"Planning policy requires that the effects of pollution in health, the natural environment or general* ***amenity*** *should be taken into account."* The general amenity of rights of ways users must be considered, particularly as two of the ways are within 20-30 metres of the proposed site and there are four ways in total within 500 metres of the site. See attached map.

Landscape and Visual:

The landscape and visual impact appraisal wrongly describes the rights of way near the development site as "footpaths":

"The Visual Amenity impacts from the effects of the proposed development were confirmed as being from short sections of adjacent footpath [sic] that have a ***Medium sensitivity*** *to change. There would be mainly* ***Neutral significance*** *of effect to these footpaths [sic] due to the proposed mitigation measures including new woodland along the western and southern*

boundaries that would in time (5-10 years) adequately screen those few areas where the agricultural lagoon would be most noticeable." (Landscape and Visual Impact Appraisal Executive Summary 6th paragraph)

The appraisal therefore fails to consider the consequences of the development for the whole range of entitled users of those ways: bridleways and restricted byways allow for use by cyclists and mounted riders, in addition to walkers. Restricted byways also allow for use by horse-drawn vehicle.

The assessments on impact and mitigation are unreliable accordingly.

Open Spaces Society Opinion:

The planning proposal to date and the associated assessments on odour and visual impact are not consistent with the NPPF para 100 requirement to *"protect and enhance the rights of way..."*

If the development is approved, then some damage will be avoidable by careful revision of the impact and mitigation measures, based on the view of a mounted rider using KDEV 15 and KDEV 16, at an average height of 2.6 metres on a 16.2hh horse.

There will still, however, be damage or loss of existing green infrastructure given the proximity of restricted byways and bridleways to odour within 500 m of the development site. Wiltshire Core Strategy requires unavoidable damage to green infrastructure to be mitigated *"by the creation of new or replacement green infrastructure equal to or above its current value and quality...."*

The dedication of sufficient new rights of ways, likely bridleways, and shown on the attached map in orange, would:

i. Create new or replacement green infrastructure equal to or above the current value and quantity (Core Strategy 52)
ii. Provide new green infrastructure away from the worst visual and odour effects of the development site (Core Strategy 52)
iii. Provide circular route opportunities on green infrastructure (CAIP objective 2-2)
iv. Reduce the extent to which the network is interrupted by busy roads [whether crossing the A303 or having to use the A350 as the only exit for bridleway KDEV 24] (CAIP objective 2-3)

Without this betterment of the network, approval of the development will:

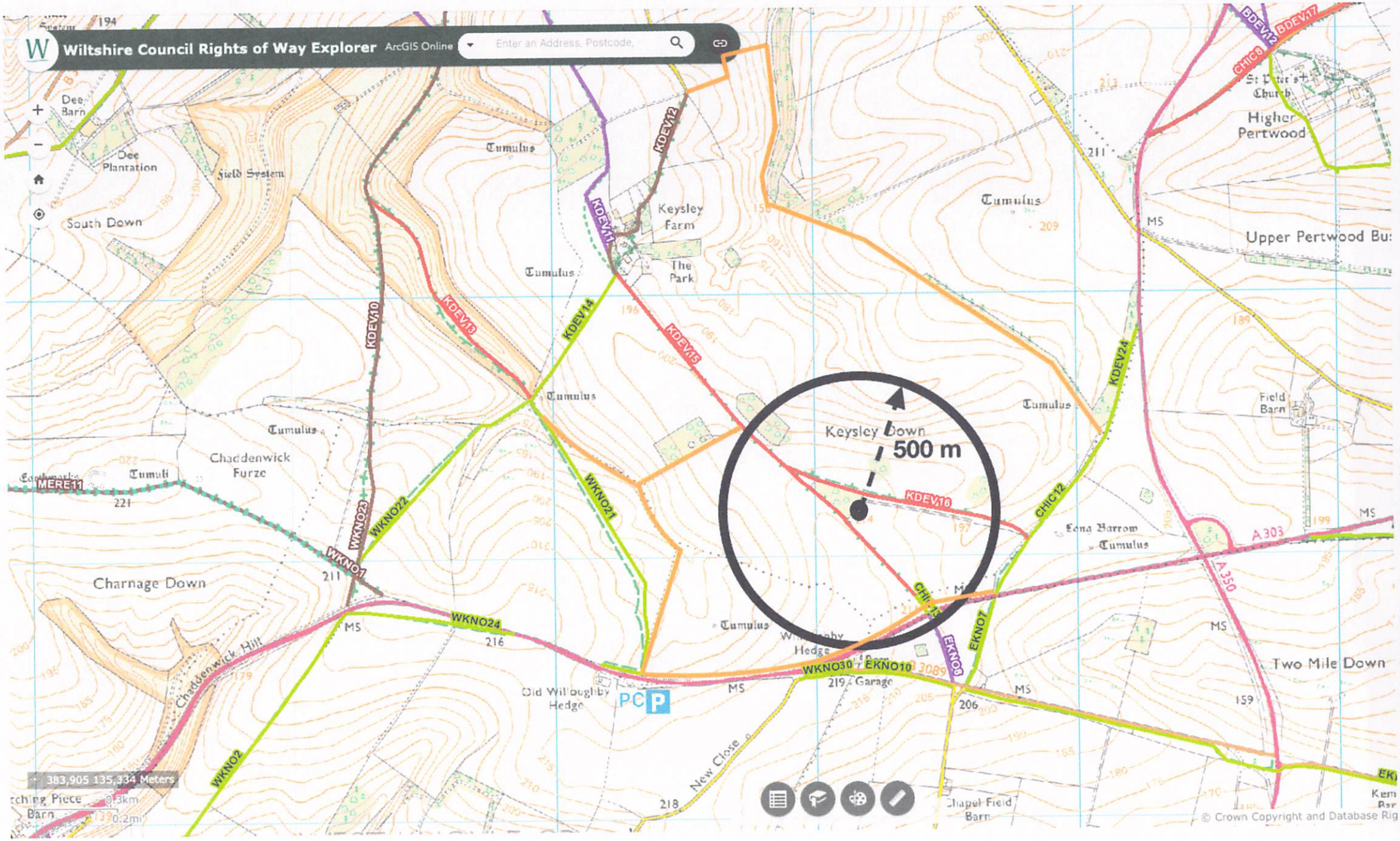
v. Neither protect nor enhance public rights of way and access, contrary to NPPF para 100.
vi. Fail to take an opportunity to provide better facilities for users by adding links to existing networks, contrary to NPPF para 100.

vii. Fail to create new or replacement green infrastructure equal to or above the current value of the green infrastructure network, contrary to Wiltshire Core Strategy 52.

viii. Fail to take the opportunity to create circular routes and reduce the extent to which the network is interrupted by busy roads (Wiltshire CAIP).

We believe that these conditions can be delivered as planning obligations according to s106 of the Town and Country Planning Act 1990. On that basis we are content to provide "No objection – subject to conditions" to Planning Application PL/2023/09364.

For and on behalf of the Open Spaces Society


Wiltshire Council Rights of Way Explorer
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