



Your Ref: PL2025/06615
Our Ref: CP0110

23 September 2025

Mr A Thomas
Planning Department (Development Management)
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Sent via Planning Portal

Dear Mr Thomas

**RE: PL2025/06615 (4 FLEXIBLE B8 STORAGE/ OR CLASS E COMMERCIAL BUSINESS AT UPPER SEAGRY HOUSE)
LETTER OF REPRESENTATION
(OBJECTION)**

Copperfield has been instructed by the owners of Oak Hill House, Upper Seagry to review planning application PL2025/06615, which relates to a proposal for 4 flexible B8 storage/ or Class E commercial business units at Upper Seagry House. The site and proposed access road adjoin our client's property.

Copperfield is generally supportive of good development that is capable of complying with the Development Plan and other material considerations such as National Planning Policy. However, in the case of application PL2025/06615, the proposals are:

- not compliant with the relevant parts of the Development Plan and
- there are substantial material considerations that should be given significant weight in the decision making process that indicate planning permission should not be granted.

This letter therefore sets out why the application should be refused. The observations that lead to the above conclusion are as follows:

LAND USE REASON FOR REFUSAL

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1. Apart from 0.1ha (the former storage building to which the 2005 Certificate of Lawful Use relates), the site is greenfield, open countryside and not adjacent to a defined settlement (as per the Wiltshire Core Strategy). Any assessment of planning policy must start from this point.
2. The 2005 Lawful Use Certificate was granted 20 years ago and in accordance with “Timber Farm Building” Statutory Declaration of Parrick William Head (dated 23 Feb 2005). The declaration did not extend to any of the wider site presented as through the current application PL2025/06615. The applicant has not presented evidence to show that it has been in B8 use based on the 4 tests set in The Trustees of Castell-y-Mynach Estate v Taff-Ely BC [1985]. The Statutory Declaration of Mr Head also confirms that in 1997 the use was storage of household domestic goods and effects which is not B8 storage but ancillary to the use of the main residents for its enjoyment. The covering letter to the current planning application also explains the building is “beyond repair”. This is a strong demonstration that the building has been abandoned, and the use cannot be relied upon. Even if it is proven that the use has not been abandoned, then the established use relates only to the building in question and only to B8 storage, not Class E. In either scenario the current application must therefore be considered in principle as well as detail.
3. Development Plan Policy CP34 deals with the principle of commercial development. The second part of the policy is relevant and sets four tests i-iv. None of the tests are met:
 - i. It is not adjacent to a Principal, Market or Local Service Centre and is not an expansion of an existing business with or adjacent to the settlements.
 - ii. The proposals do not to support farming, food production to support modern agricultural practices or diversification.
 - iii. It is not adjacent to a defined Large or Small Village on the Proposals Map.
 - iv. It is not essential to the wider strategic interest of the economy.

The proposals are therefore inconsistent with CP34 and contrary to a key policy of the Development Plan. Tests a-e. are not therefore triggered and even if they were, there are substantial sustainability concerns with the proposals in respect of ecology and arboriculture impacts (see assessment of policy CP50 below).

ECOLOGICAL REASON FOR REFUSAL

4. The proposals seek to remove 58% of trees on site (51 removed and 37 retained). Of the 37 proposed retained trees, development occurs within the RPZ of at least 29 individual trees and 5 tree groups. The loss of trees and impact on the remainder is substantial and harmful.
5. Offsite trees T13 and T14 which are not in the control of the applicant are subject to TPO Orders and both RPZs are impacted by the access road/ footpath. Whilst there is an existing gate way, there is no road surfacing. Access was granted for a paddock only in 2004 (N/04/00992/FUL) and not for a

commercial and storage businesses. Works would therefore be necessary within their RPZs and would impact their ability to thrive. Whilst the use of a cellweb type construction may marginally reduce the impact on the routes of T13 and T14, the RPZ remains breached and impacted. It therefore remains a negative in the planning balance which is further impacted by the very substantial loss of trees and habitat on site (referred to in point 4 above). The attached arboricultural assessment (**APPENDIX 1**) illustrates the impact on my client's TPO tree. It also highlights that the application access plans and the impact on TPO trees are inconsistent (see figures 1-3 later in this letter).

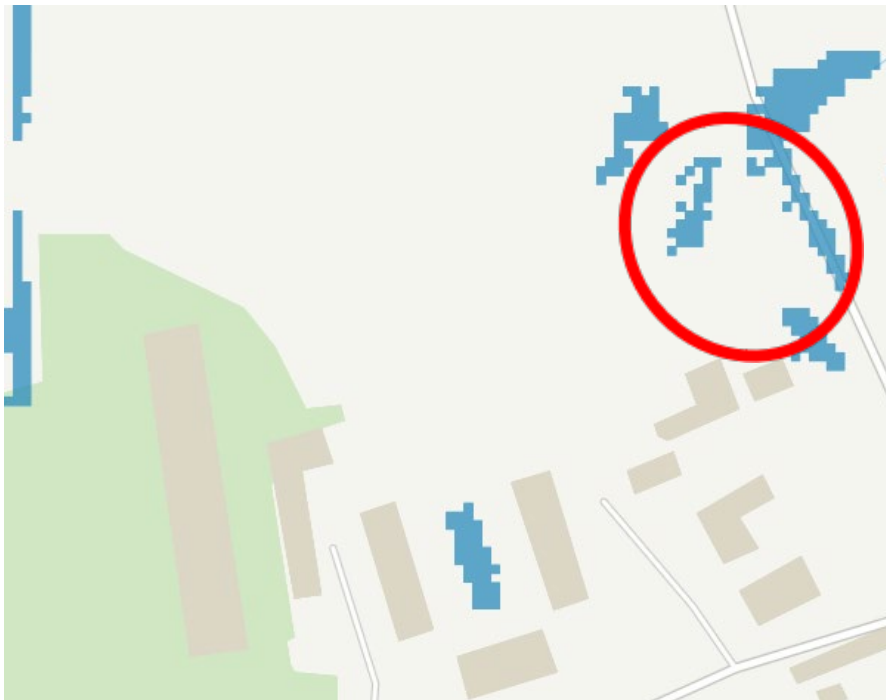
6. The site habitat, including trees and understorey planting would be lost during and after construction. Most of the site is Priority Habitat Inventory Woodland (deciduous woodland) with trees T1 and T2 having moderate bat roosting potential at the entrance of the site and are proposed to be felled to form the access. They were not inspected for roosts and should have been so that the impact of development on any protected species could be quantified before determination. It is noted that Building B1, which would be demolished, supports a day roost.
7. The ecology report also confirms the site is optimal foraging and community bat habitat and is connected to other habitat, surveys confirmed the presence of a range of protected bat species including Leisler's and Barbastelle. Even if there were no external lighting on site (which is unlikely for a B8/ E Class use, the lighting impact from regular vehicle movements in spring and autumn will have a substantial impact. No lighting assessment has been provided to show a 0.2-0.4lux can be achieved along where Bats are known to forage.
8. Development Plan policy CP50 requires all applications to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. This is the minimum. The majority of Deciduous Woodland trees are proposed to be felled and those that remain including off-site TPOs are impacted by development within PRZs. There is no demonstrable lighting strategy to protect the optimal bat foraging habitat either. The proposals are therefore contrary to Development Plan policy CP50.
9. Development Plan policy CP50 expects biodiversity enhancement and the Environment Act requires this to be at least 10% based on the latest statutory metric. The submitted metric shows a net loss contrary to policy CP50, The Environment Act and the National Planning Policy Framework. This alone must result in the proposals being refused. As can be seen from the arboricultural assessment (**APPENDIX 1**), Policies CP51 and CP57 of the development plan would constitute reasons for refusal.

FLOOD RISK SEQUENTIAL TEST REASON FOR REFUSAL

10. The Government Flood Maps for Planning indicate that parts of the site, including the primary access are affected by 1 in 100 and 1 in 1,000 year surface water events. The NPPF is concerned with all forms of flood risk, including surface water flooding which affects the site access and extends across the main road at this point. Paragraph 175 of the NPPF states

“The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).”

I can find no evidence of a sequential test being applied as a result of the access road being within an area affected by flooding. It is also important to note the minor developments exception (para 176 and footnote 62) does not apply in this case. Whilst the access road remains on its current route, the sequential test for alternative sites applies. Against the NPPF tests, the proposals are not necessary and do not provide any sustainability benefits for the community which would outweigh the flood risk. They also do not show the access road will not increase surface water flood risk in the vicinity of the site. For the above reasons proposals are not consistent with the NPPF in this regard.



Environment Agency Flood Plan Maps for Planning 1:100 year event

11. A Technical note from Phoenix Design (drainage engineers) is provided at **APPENDIX 2** and confirms the failure of the planning application in this regard. As with other concerns raised in this letter, the application can be refused on this matter alone.

HIGHWAY SAFETY REASON FOR REFUSAL

12. Regarding access and travel, our client has sought advice from Apex Transport Planning which is provided at **APPENDIX 3**. It concludes the proposals are substandard, there are inconsistencies

between drawings, and the proposed trip generation and parking strategy is clearly underplayed when compared with the job generation presented by the applicant as a benefit. In summary:

- The proposed pedestrian crossing is substandard, and as shown, has highway safety implications. It is inconsistent with Manual for Streets, DfT document Inclusive Mobility (Dec 2021) and CD143 Visibility at Junctions. This is an unacceptable highway safety impact contrary to Paragraph 116 of the NPPF and is grounds alone for refusal.
- The proposed access road arrangement in the tree protection plan is materially different to what is proposed in the Neil Brant Transport Statement. All three different road alignments have impacts on off-site TPO trees at Oak Hill House and are concluded to be contrary to Policy CP50 of the Development Plan.

Figure 1. Plan 250603-SH-COM-TTP Base-NB shows encroachment of the RPA of T14 by 15.7%.

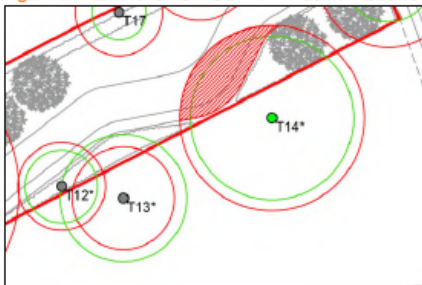
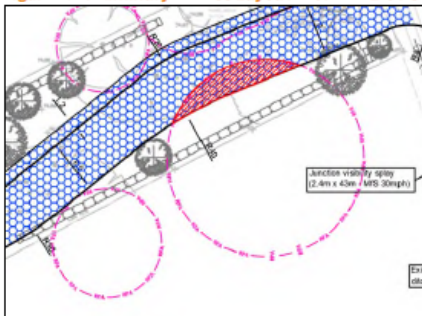


Figure 2. Plan 250626-SH-COM-TTP-NB shows encroachment of the RPAs of T13 and T14 by <5%.



Figure 3. Preliminary Access Layout 23075 PHL-01 C shows encroachment of the RPA of T14 by 8%.



- 25 parking spaces and 19 two-way AM and PM peak hour movements are presented in the Transport Assessment. However, the planning statement indicates an economic benefit of £926,592 pa based on the creation of 82 jobs. There is either a substantial underplay of traffic

generation, or a substantial overlay of the apparent economic benefits. The highways evidence and impact cannot therefore be relied upon.

13. Individually and in-combination, the above points show this application has not been able to demonstrate safe and appropriate access can be achieved, contrary to paragraph 116 of the NPPF and CP61 i and ii of the Development Plan

LEGAL IMPEDIMENTS TO IMPLEMENTATION – RESTRICTIVE COVENANTS AND GRAMPIAN STYLE PRINCIPLES

15. It is understood that parts of the application site, including the proposed access route, are subject to restrictive covenants which prevent the land from being used for anything other than agricultural or poultry farming purposes. It is also understood that other areas of the site are expressly prohibited from being developed or built upon, which may affect the proposed built form.
16. These legal restrictions are material to the determination of this application. While the planning system does not exist to enforce private legal rights, the ability of a developer/applicant to lawfully implement a permission is a legitimate planning concern. If such constraints cannot be overcome, then the development may simply not be deliverable.
17. In the current case, there is no evidence before the Council that these covenants can or will be discharged. In the absence of such evidence, the proposed scheme is, on its face, legally incapable of lawful implementation.
18. This is a classic example of the situation envisaged by the Court of Appeal in *Grampian Regional Council v City of Aberdeen District Council* (1984), where the courts held that a planning condition can be used to prevent development from proceeding unless and until a specified legal or physical constraint is resolved. The principle is also recognised in the National Planning Practice Guidance (NPPG) which states:

“Where there is a clear justification, a negatively worded condition requiring works to be undertaken before the development can commence (a ‘Grampian’ condition) may be appropriate.”

(NPPG: Use of Planning Conditions, Paragraph 009, Reference ID: 21a-009-20140306)

18. However, such a condition is only appropriate where there is a realistic prospect of the impediment being overcome. If, as appears to be the case here, the covenants are not within the applicant’s unilateral control, and there is no clear or timely route to vary or remove them, then it follows that even a Grampian-style condition may be inappropriate, and refusal of planning permission is the correct planning response.

PLANNING BALANCE

19. Paragraph 11 of the National Planning Policy Framework provides the presumption in favour of sustainable development tests and provides the basis for assessing whether planning permission should be granted. Regarding test 11c), the proposals are not consistent with the development which in respect of policies CP34, CP50 and CP61 is up to date. On these important matters alone, planning permission should be refused.

20. In the unlikely event that paragraph 11d)i and 11d)ii were engaged, the surface water flood risk element alone at the site entrance would render d)i unusable as a route to the grant of planning permission and in the even more unlikely event that 11d)ii were engaged, the substantial harm to ecology, on site trees, off site TPO trees would significantly outweigh any perceived benefit from economic development given this is not an allocated site for storage and there is no demonstrable urgent or pressing need in this part of Wiltshire.

21. In all respects there is no reason or justification, with or without the tilted balance provided by the presumption in favour of sustainable development, to grant planning permission. It is my conclusion that policies that seek to protect largely greenfield, woodland priority sites like this are fully engaged.

The Council has been provided with four very clear reasons for refusal that hold either Development Plan or substantial weight in the decision-making process. They are:

- land use,
- ecological impact
- flood risk and
- highways safety

The presumption in favour of sustainable development does not apply either.

Adding to this, it appears part or all of the land is subject to legal restrictions and permission should not be granted for a scheme that cannot be delivered.

For the above reasons it is concluded the proposals do not accord with the development plan or national policy and therefore planning permission should be refused.

On behalf of the owners of Oak Hill House, we would be pleased to amplify or explain the basis of this objection letter if it is helpful to officers at Wiltshire Council.

Yours sincerely,



COLIN DANKS MRTPI

Director

on behalf of Copperfield L&P Ltd

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cc. Oak Hill House

enc. Appendices 1-3

Arboricultural Technical Note

Oak Hill House, Upper Seagry

1 Introduction

This technical note has been prepared by GE Consulting and presents an assessment of two trees (T13, T14) at Oak Hill House, Upper Seagry. GE Consulting have been instructed to review the submitted arboricultural information and the potential impact on trees owned by our client. This report was commissioned by Andrew Scott.

Oak Hill House lies to the south of an agricultural field which is proposed for development (ref. PL/2025/06615). The development proposals to which the survey relates include *‘Erection of building comprising 4No. flexible B8 storage and distribution and/or Class E(g) Commercial, Business and Service units and erection of building for mixed agricultural and equestrian workshop, storage and estate office and stables, all following demolition of existing B8 storage building and site remediation, together with associated parking, servicing, drainage, infrastructure, biodiversity net gain and landscaping and alterations to existing vehicular access’*.

To support the application, an Arboricultural Impact Assessment and Arboricultural Method Statement were prepared by Hillside Trees Ltd (June 2025) and a Transport Statement was prepared by Neil Brant Consulting (July 2025).

2 Arboricultural Impact Assessment

2.1 Survey Results

The arboricultural survey was undertaken on 17 September 2025 by Kit Owen BSc TechArborA. The visibility at the time of survey was adequate to undertake a thorough assessment of the trees from ground level. The trees were surveyed in the context of the existing land use. The trees were surveyed in accordance with BS5837:2012

A summary of the arboricultural features and their categorisation can be found in **Table 1** below.

Table 1: Summary of Arboricultural Feature Categorisation

Feature Number	Species	Stem Ø (mm)	Life Stage	Condition	Root Protection Area (m ²)	Root Protection Radius (m)	Category
T13	Oak	500	Early mature	Good	113.0	6.0	B 1
T14	Lime	850	Mature	Good	326.7	10.2	A 1

2.2 Statutory Protection

A TPO (ref. 2017/00024/MIXED) protects trees T13 and T14.

2.3 Encroachment into the Root Protection Areas

The proposed access road will encroach into the Root Protection Area (RPA) of T14 and potentially T13. However, there is considerable discrepancy between the plans as to the level of encroachment and proposed mitigation.

Two separate Tree Protection Plans have been submitted (ref. 250603-SH-COM-TPP Base-NB and 250626-SH-COM-TPP-NB), and the road alignment differs in both. Both plans differ from the road

alignment shown in the Transport Statement (Preliminary Access Layout 23075 PHL-01 C), as shown in the **Figures** below.

Figure 1. Plan 250603-SH-COM-TPP Base-NB shows encroachment of the RPA of T14 by 15.7%.

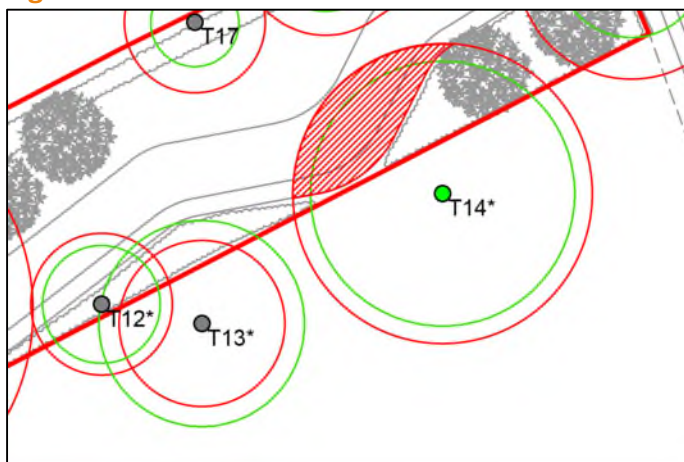


Figure 2. Plan 250626-SH-COM-TPP-NB shows encroachment of the RPAs of T13 and T14 by <5%.

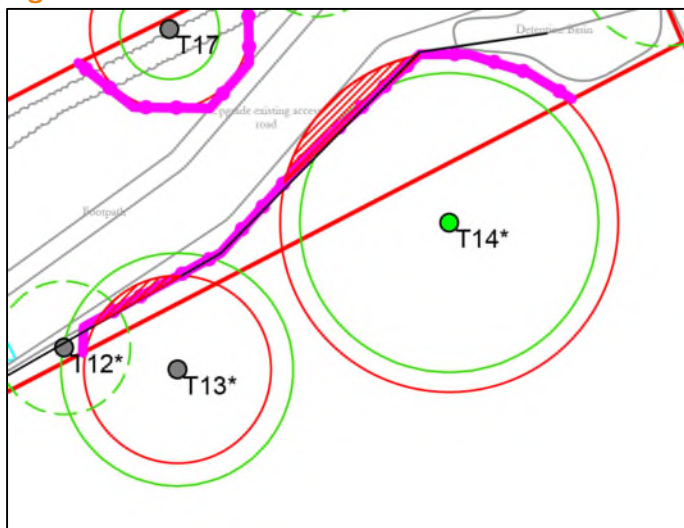
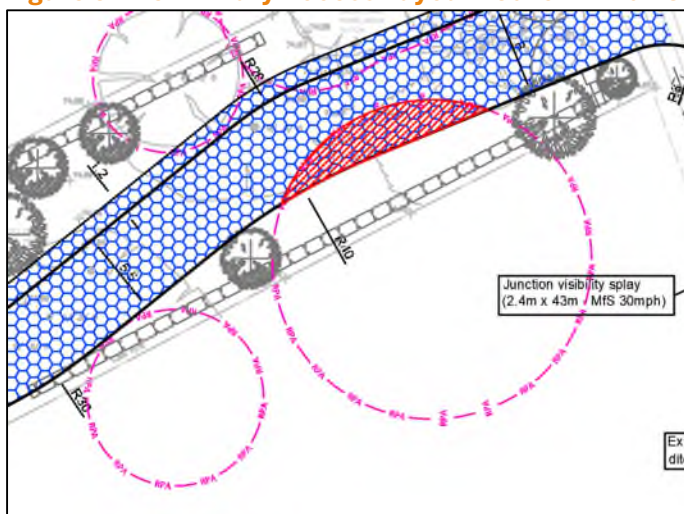


Figure 3. Preliminary Access Layout 23075 PHL-01 C shows encroachment of the RPA of T14 by 8%.



Tree T14 is a mature tree and encroachment into the RPA is likely to have deleterious impact. Although the discrepancies in the plans make an accurate assessment difficult, the level of encroachment shown is would not be acceptable for the long-term health of the tree and does not comply with BS5827:2012. The submitted Arboricultural Method Statement (AMS) does not propose any mitigation for works within the RPA of T14 and is therefore not acceptable.

Trees T13 and T14 sit at a lower elevation than the site, which slopes upwards to the north, as shown on the Topographical Survey (ref. SU 01 Rev A). The existing site levels are between 200-300mm higher at the northern edge of the proposed road than the southern edge. Therefore, it is likely that the road cannot be installed above ground without some degree of excavation. Although a Cellular Confinement System (CCS) will minimise root disturbance, it is not possible to install a road within the RPA without some level of root damage. Soil conditions on the site will influence the viability of the use of CCS.

The submitted AMS includes guidance on Cellular Confinement Systems (CCS) from the Arboricultural Association (Appendix III) and proposes that CCS be used to construct the road in the RPA of one retained tree (T19). No mitigation or specialist construction has been proposed in the RPAs of T13 or T14. The AMS provides general guidance on CCS but does not include a specific methodology for its installation which is required by BS5837:2012.

Trees T13 and T14 were not included on the topographical survey and their position has therefore been estimated. Comparisons between measurements take on site and aerial images show that the trees have been plotted in broadly the correct location; however, it not possible to confirm the accuracy with certainty without an updated topographical survey. This should be considered a limitation within the arboricultural report. Therefore, the level of encroachment could be more significant than that shown in the AMS.

2.4 Liability For Damage

Although no physical soil investigations have been carried out as part of this assessment, the soil type has been assessed using the British Geological Survey Maps as 'slightly acid loamy and clayey soils with impeded drainage'. The influence of tree roots on clay soil has the potential to cause soil shrinkage which could cause damage to any future road. The Wiltshire Design Guide 2024 notes the presence of 'shrinking clay' in areas of the county.

Work by Dr. Giles Biddle found that in 90% of cases the radial influence of lime trees is up to 11m and maximum distance at which damage associated with lime roots has been recorded was 20m. As a mature tree, it is reasonable to assume that radial influence area for T14 would extend to at least the 11m stated. Therefore, the proposed road will lie within the area of radial influence of T14.

In cases where there is potential for tree roots to cause damage to a proposed road, it is recommended that root barriers be installed during the construction to prevent this. However, these cannot be installed without excavation and so root barriers must be installed outside of the RPA of T14. This cannot be achieved with the proposed road alignment.

In cases where damage is caused, either directly or indirectly, by a tree, it is the tree's owner who is liable. For liability to be shown, it must be known that there is encroachment, and damage must be reasonably foreseeable. Both of these conditions would be satisfied in this case. As such, if damage were to occur to the proposed road in the future, the owner of T14 could be held liable for this and be subject to a legal claim for compensation.

Therefore, it is considered that the long-term impact of the proposals have not been adequately considered. The current proposed road alignment is not sustainable in the long-term and therefore unacceptable.

2.5 Future Growth Potential

The Wiltshire Design Guide 2024 and BS5837:2012 require proposed developments consider the extent of future branch and root growth, and potential nuisance caused.

Due consideration has not been given to the future growth potential of trees close to the proposed highway. In particular, T13 which is an early mature oak tree, still has considerable growth potential. It is highly likely that in the future the canopy of T13 will oversail the proposed road. Therefore, the tree is likely to require to on-going pruning maintenance which could negatively impact the vitality of the tree. Likewise, the roots of both T13 and T14 will continue to extend beneath the proposed road which could cause both direct and indirect damage.

3 Conclusions

It has not been adequately demonstrated that the construction of the access road can be delivered without impacting trees. The loss or decline of T14 would negatively impact the amenity value of Oak Hill House and the surrounding area, and would contravene a number of Policies 50, 51, and 57 Wiltshire Core Strategy.

Core Policy 50 – ‘Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term.’

Core Policy 51 – ‘Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies.’

Core Policy 57 – ‘A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:

...the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development.’

Due consideration has not been given to future growth of trees T13 and T14, nor has the impact of the trees on the proposed road been considered. Therefore, the proposed access road is not considered to comply with the Wiltshire Design Guide 2024 or BS5837:2012 and is not acceptable on arboricultural grounds.

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Ecology
Arboriculture
Land Management



Technical note

Project	Land Adjoining Oak Hill House, Upper Seargry	Date	September 2025
Note	Planning Comments	Ref	
Author	J Spicer		

Phoenix Design conducted a review of the FRA and Drainage Strategy produced by Sustain Environmental. The principal matters are:

Flood Risk

- 1.1 EA Risk of Flooding from Surface Water (RoFSW) mapping for the 1 in 100 year + climate-change event shows Medium risk (1 to 3.3% AEP) and Low risk (0.1 to 1% AEP) extents across the site access.



- 1.2 RoFSW shows surface-water ponding in the east of the site spreading toward a neighbouring garden, with further ponding on/adjacent to Startley Road from the unnamed watercourse. No sequential/exception test has been provided for the access.
- 1.3 PPG states that “where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the

lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied

- 1.4 Paragraph 172 of the NPPF states, “All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.”
- 1.5 This is further supported by paragraph 175 which states, “The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).”
- 1.6 Neither a sequential test or exception has been provided however these are required as:
 - a) The access route would be at risk of flooding, now and in the future
 - b) It cannot be ensured that occupiers and users would remain safe from current and future surface water flood risk

Surface Water Drainage Strategy

- 1.7 Flow Control Chambers rely on Ø25–26 mm orifices which are very small for surface-water controls and are prone to blockage/silting/icing. Many adopters/LLFAs typically look for ≥ 75 mm (some prefer ≥ 100 mm)
- 1.8 Model Cv values are 0.75 (Summer) and 0.84 (Winter). Wiltshire requires a CV value of 1 as set out in the Drainage and Betterment Strategy (June 2024) by Wiltshire Council. Wiltshire also required a 30% betterment on greenfield runoff rates

Client	Mr Andrew Scott
Project Name	Oak Hill House, Upper Seagry
Report Title	Transport Technical Note
Report Ref.	TN01
Project No.	C25-182
Date	23/09/2025
Produced By:	RM

Transport Technical Note

1. INTRODUCTION

- 1.1.1 This Transport Technical Note (TN) has been prepared by Apex Transport Planning ('Apex') on behalf of Mr Andrew Scott. It has been prepared in response to planning application (planning reference: PL2025/06615) which seeks permission for four flexible B8 storage or Class E commercial business units on land at Seagry House, Upper Seagry, Wiltshire.
- 1.1.2 Apex is supportive of well-planned developments that meet local and national policy objectives and which provides safe and suitable access for all. It is on this basis that we have been asked by Mr Andrew Scott to undertake a review of the proposed transport strategy supporting the planning application.
- 1.1.3 Our review has identified a number of matters within the proposed strategy that, in our view, amounts to a failing to demonstrate that a safe and appropriate transport strategy can be delivered. We therefore recommend to the local planning and highway authority that the planning application cannot be approved until the applicant presents solutions or provides clarity on these matters.
- 1.1.4 The various points are set out in detail below, but in summary the application fails to demonstrate an appropriate strategy for the following matters:
- The proposed pedestrian crossing is substandard, and as shown, has highway safety implications.
 - There are inconsistencies between the application documents in respect of the access road layout. On this basis, it is unclear which layout is proposed and whether the updated layout has been assessed by the arboriculture consultant. Until this is clarified, it cannot be assessed whether the access road is appropriate in transport terms, or what impacts it will have on the tree root protection areas.
 - The proposed trip generation and parking strategy does not align with the statements on job creation contained within the planning statement. If the planning statement is to be believed, there is a risk that the trip generation is significantly underestimated, and the parking provision significantly less than the potential demand.
- 1.1.5 Further detail on each of these points is provided under respective headings below.

2. PEDESTRIAN ACCESSIBILITY

- 2.1.1 The transport strategy is presented in the transport statement (TS) prepared by Neil Brant Consulting (document reference: NBC Ref: 24-TP0098 Upper Seagry TS v1r1 dated July 2025).
- 2.1.2 The TS rightly references various paragraphs from the national planning policy framework (NPPF) (February 2025) which demonstrates a requirement to prioritise walking, cycling and public transport. Relevant extracts from the TS are provided below (with our own emphasis):

3.2.6 In considering development proposals and assessing sites that may be allocated for development in plans, or specific applications for development, Paragraph 115 states that:

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

3.2.8 At paragraph 117 it clarifies that:

Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

- 2.1.3 And in addition, the following policy from the Wiltshire Core Strategy (Adopted) 2015 is referenced in the TS at paragraph 3.3.1:

Core Policy 61 – Transport and new development

New development should be located and designed to reduce the need to travel by provide car, and to encourage the use of sustainable alternatives.

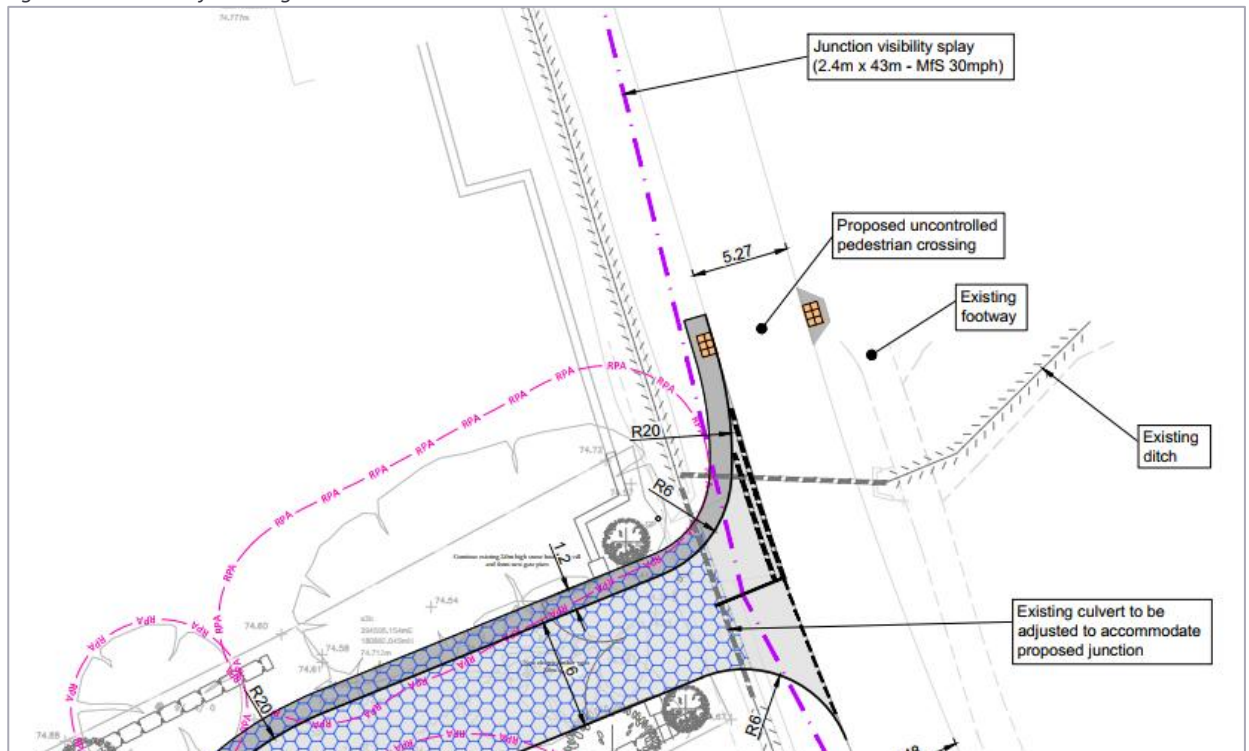
As part of a required transport assessment, the following must be demonstrated:

i. That consideration has been given to the needs of all transport users, where relevant, according to the following hierarchy:

- Visually impaired and other disabled people
- Pedestrians
- Cyclists
- Public transport

- 2.1.4 Paragraph 4.3.1 of the TS states that ‘The site will be accessible to pedestrians and cyclists as illustrated in Dwg. No. 23075-PHL-01C attached at Appendix B’. Additionally, paragraph 4.4.2 acknowledges the visibility splay requirements, stating: ‘Junction sightlines of 2.4m x 43m (MfS 30mph) are formed at the junction in both directions’.
- 2.1.5 The TS therefore acknowledges that a pedestrian crossing point is necessary, and that visibility splays of 43m are required in accordance with Manual for Streets (MfS).
- 2.1.6 An extract of drawing 23075-PHL-01C (contained at Appendix B of the TS) is provided at Figure 2.1.

Figure 2.1: Extract of drawing 23075-PHL-01C



Source: Neil Brant Consulting

- 2.1.7 Whilst the visibility splays are shown for drivers exiting the access, the TS fails to consider the visibility splay requirements for pedestrians at the proposed dropped-kerb tactile paving crossing points. At these points, visibility splays of 1.5m x 43m are required, in accordance with the requirements of the

DfT document *Inclusive Mobility (December 2021)* and *CD 143 Visibility at junctions and crossings*. Furthermore, in accordance with MfS, the visibility splays should be free of obstacles above a height of 600mm.

- 2.1.8 Opposite the proposed access junction and approximately 10m south of the eastern tactile paving is an open culvert which is protected by a timber post and rail fence. This presents a significant obstacle within the required visibility splay and exceeds the maximum height of 600mm.
- 2.1.9 Figure 2.2 presents the view looking south from the eastern crossing point, 1.5m from the kerb edge, and Figure 2.3 illustrates the height of the obstacle.

Figure 2.2: Culvert post and rail fence - view taken 1.5m back at location of proposed crossing point

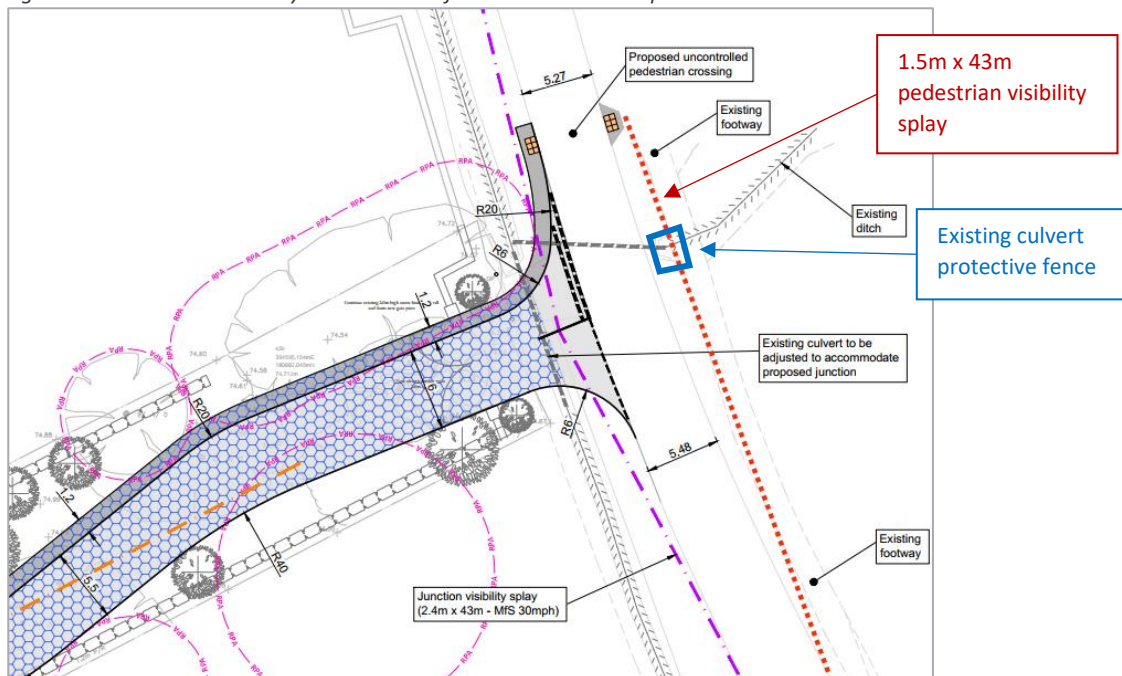


Figure 2.3: Height of post and rail fence - 920mm minimum



- 2.1.10 For context and illustrative purposes, the pedestrian visibility splay of 1.5m x 43m looking south from the eastern crossing point is shown in Figure 2.4.

Figure 2.4: Pedestrian visibility and location of culvert - contextual plan



- 2.1.11 The TS therefore fails to demonstrate that a safe and appropriate access for all users can be achieved, and fails to meet the requirements of the NPPF and the Wiltshire Core Strategy as identified in paragraphs 2.1.2 and 2.1.3.

3. ACCESS ROAD

- 3.1.1 There is a discrepancy in the submitted information regarding the access road layout, with different layouts shown in the TS and that included within the Arboricultural Report on the tree protection plan prepared by Hillside Trees Ltd (plan reference: 250626-SH-Comm-TPP-NB). Both layouts are shown in Figure 3.1 Figure 3.2 respectively.

Figure 3.1: Extract from tree protection plan (source: Hillside Trees Ltd)

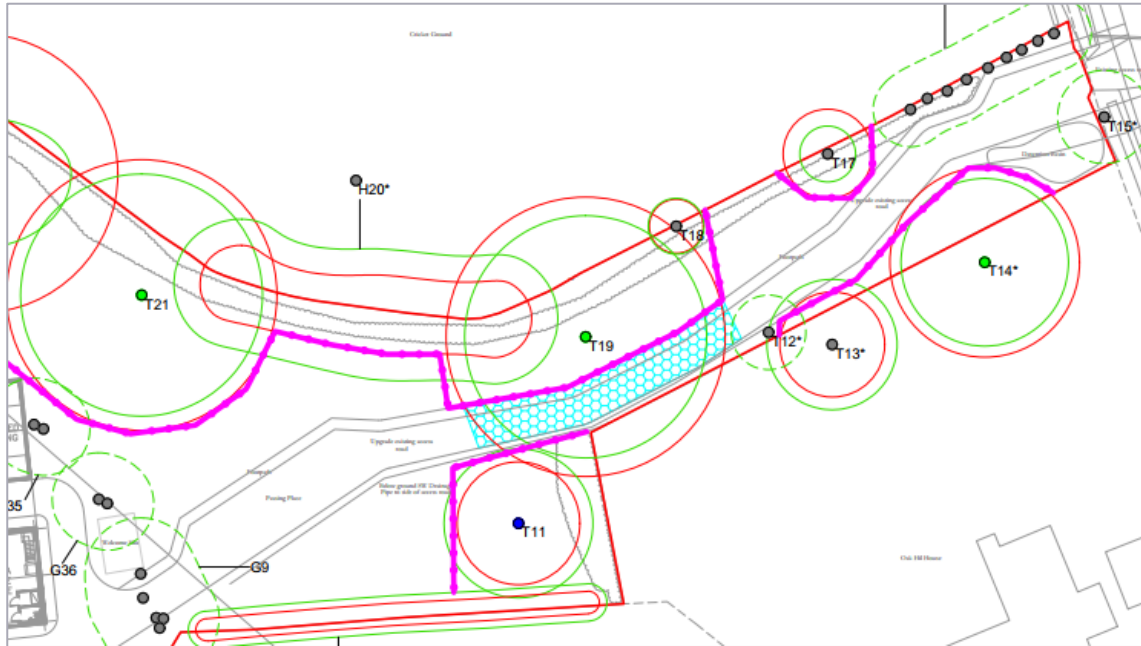
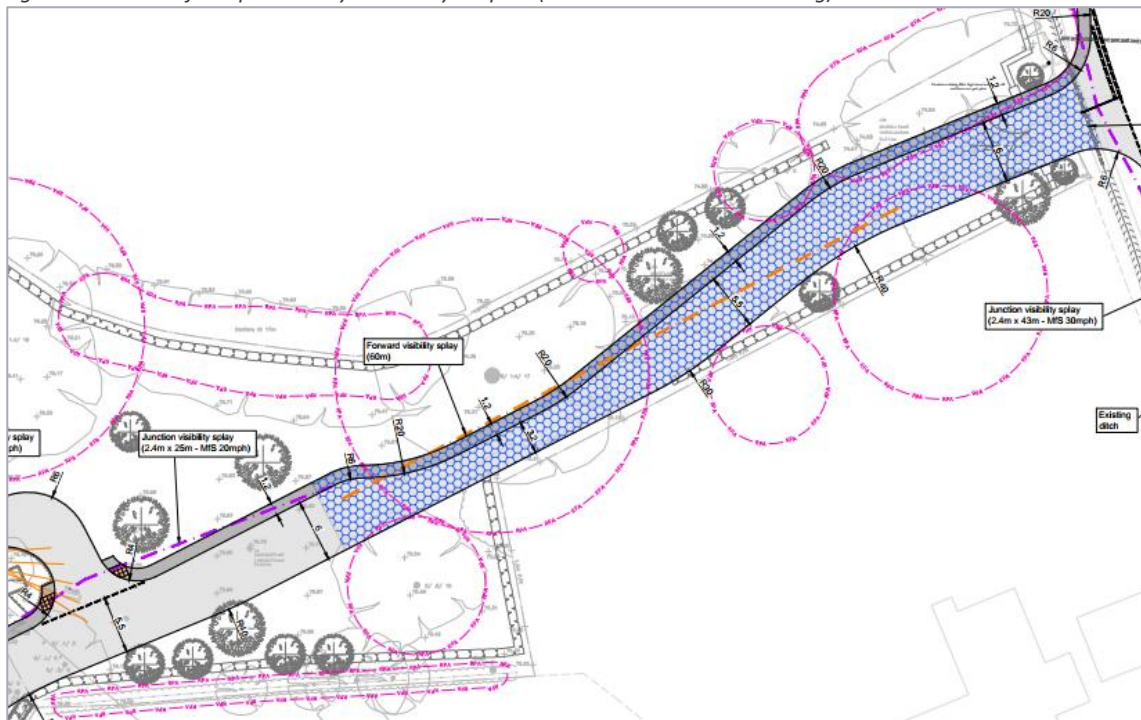


Figure 3.2: Extract from preliminary access layout plan (source: Neil Brant Consulting)



- 3.1.2 Presumably the proposed access road layout is the one included in the TS and as shown at Figure 3.2 – this should be clarified. Moreover, it is unclear whether this layout has been assessed by the Arboriculture consultant in respect of impacts upon the root protection area.

- 3.1.3 Moreover, GE Consulting has undertaken a review of the arboriculture report on behalf of our client, Mr Andrew Scott, and this has found significant concerns with the impacts of the access strategy upon the root protection area. Given these concerns, it is unclear whether the access road layout as shown in the TS will be deliverable in practice. It is therefore necessary that the arboriculture impacts are confirmed in order to assess whether the access strategy is suitable or not.

4. TRIP GENERATION AND PARKING PROVISION

- 4.1.1 The proposed layout plan provides a total of 25 parking spaces, and indicates that the development could generate a total of 19 two-way vehicle trips in the AM and PM peak hour.
- 4.1.2 However, the Planning Statement (August 2025) prepared by DE Planning presents anticipated net employment figures, which it then relies upon to calculate the proposed developments economic benefits – which it states to be potentially £926,592 based on an upper-end figure of 82 jobs being created.
- 4.1.3 Whilst the figure of 82 is at the upper end of the scale, presumably the applicant must be of the opinion that this level of job creation is a possibility.
- 4.1.4 Linking this back to the TS, the trip generation and parking provision isn't remotely related to the potential job creation figures. If the potential job creation is correct, the trip generation will be significantly higher than what has been assessed in the TS, and the parking provision is significantly lower than the potential demand. No assessment has been undertaken of this scenario.
- 4.1.5 I therefore recommend that the inconsistencies across the application documents are clarified, and either the transport strategy needs to be updated to correspond to the anticipated employment figures, or the overstated economic benefits need to be paired back to align with the transport strategy.

5. SUMMARY AND CONCLUSION

- 5.1.1 This Transport Technical Note (TN) has been prepared by Apex Transport Planning ('Apex') on behalf of Mr Andrew Scott. It has been prepared in response to planning application (planning reference: PL2025/06615) which seeks permission for four flexible B8 storage or Class E commercial business units on land at Seagry House, Upper Seagry, Wiltshire.
- 5.1.2 Apex is supportive of well-planned developments that meet local and national policy objectives and which provide safe and suitable access for all. It is on this basis that we have been asked by Mr Andrew Scott to undertake a review of the proposed transport strategy supporting the planning application.
- 5.1.3 Our review has identified the following issues:
- The proposed pedestrian crossing is substandard, and as shown, has highway safety implications.
 - There are inconsistencies between the application documents in respect of the access road layout. On this basis, it is unclear which layout is proposed and whether the updated layout has been assessed by the arboriculture consultant. Until this is clarified, it cannot be assessed whether the access road is appropriate in transport terms, or what impacts it will have on the tree root protection areas.
 - The proposed trip generation and parking strategy does not align with the statements on job creation contained within the planning statement. If the planning statement is to be believed,

there is a risk that the trip generation is significantly underestimated, and the parking provision significantly less than the potential demand.

- 5.1.4 In our view, the above amounts to a failing to demonstrate that a safe and appropriate transport strategy can be delivered. We therefore recommend to the local planning and highway authority that the planning application cannot be approved until the applicant presents solutions or provides clarity on these matters.