

Further arguments to support an objection to the “Equine Railings”, drawn from the Heritage Statement provided by the applicant.

From the PDM 15; Listed Buildings quoted on page 15.

“All development proposals should provide a clear justification for the works, especially if these works would harm the listed building or its setting, so that the harm can be weighed against any public benefits “

#### DEFINITION OF HARM page 19

3.5.1. Current guidance by Historic England is that ‘change’ does not equate to ‘harm’. The NPPF and its accompanying PPG effectively distinguish between two degrees of harm to heritage assets – substantial and less than substantial. Paragraph 195 of the NPPF states that: ‘Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...’

Nowhere can I find justification for the addition of railings. The closest is a reference in:

5.2.11. In addition to repairs and alteration standard pattern concrete anti-tank cylinders are now incorporated into the foundations of the bridge abutments. *More recently, the bridge has been adapted to take a bridle way and now has timber decking and rails to help maintain safe access.*

The bridge has not “been adapted to take a bridle way” it has always been one. Indeed earlier in the document it is referred to as a pack horse bridge. The present timber structure was installed in 2016 after years of complaints when the condition of the bridge would not permit safe crossing for horse or human and such activity could have further damaged the bridge, the road deck was already damaged.

The 2016 structure was not laid parallel to the bridge centre line, in order to make use of the strongest bearing parts of the structure. The railing of approx 1.2m height performs two functions. The first is effectively as a girder to make the wooden floor platform self supporting and spread the load. The second is to keep those crossing the bridge on the new wooden path and not to stray from it and further damage the bridge. It is expected that after restoration there will be no requirement for such physical guidance apart from the existing bridge parapets.

The document also states the railing will be on top of the parapet. This is not so, it will be dug into the deck surface and demonstrably cause harm to the structure with the posts embedded in concrete deeper than the thickness of the deck. I cannot envisage any greater harm to the structure other than demolition, thus in direct contradiction of PDM 15 quoted above or para 3.5.1 on page 19.

The case referred to in paras 3.5.3 to 3.5.5 states

*PALMER Appellant and Herefordshire Council and ANR [04/11/16] Case No: C1/2015/3383*

*The judgment was agreed by Lord Justice Lewison at the Court of Appeal, who stated that: 'It is also clear as a matter both of law and planning policy that harm (if it exists) is to be measured against both the scale of the harm and the significance of the heritage asset. Although the statutory duty requires special regard to be paid to the desirability of not harming the setting of a listed building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused.'*

The change proposed is visually aesthetically significant not only because it is so readily seen and doubles the height of the bridge but because the materials from which it is made are totally out of keeping with its environment and the bridge in particular.

Although "Change does not equate to harm" the harm in this case is both substantial and unsupported by any evidence to justify its inclusion. Therefore as well as the aesthetic objection previously referred to, the proposal would seem to be in direct contravention of the NPPF and PDM 15 on physical harm and so serious that the possible get out referred to in the court hearing cannot possibly apply.

Thus the planning authority should refuse consent for this aspect of the proposal as required by the NPPF.