

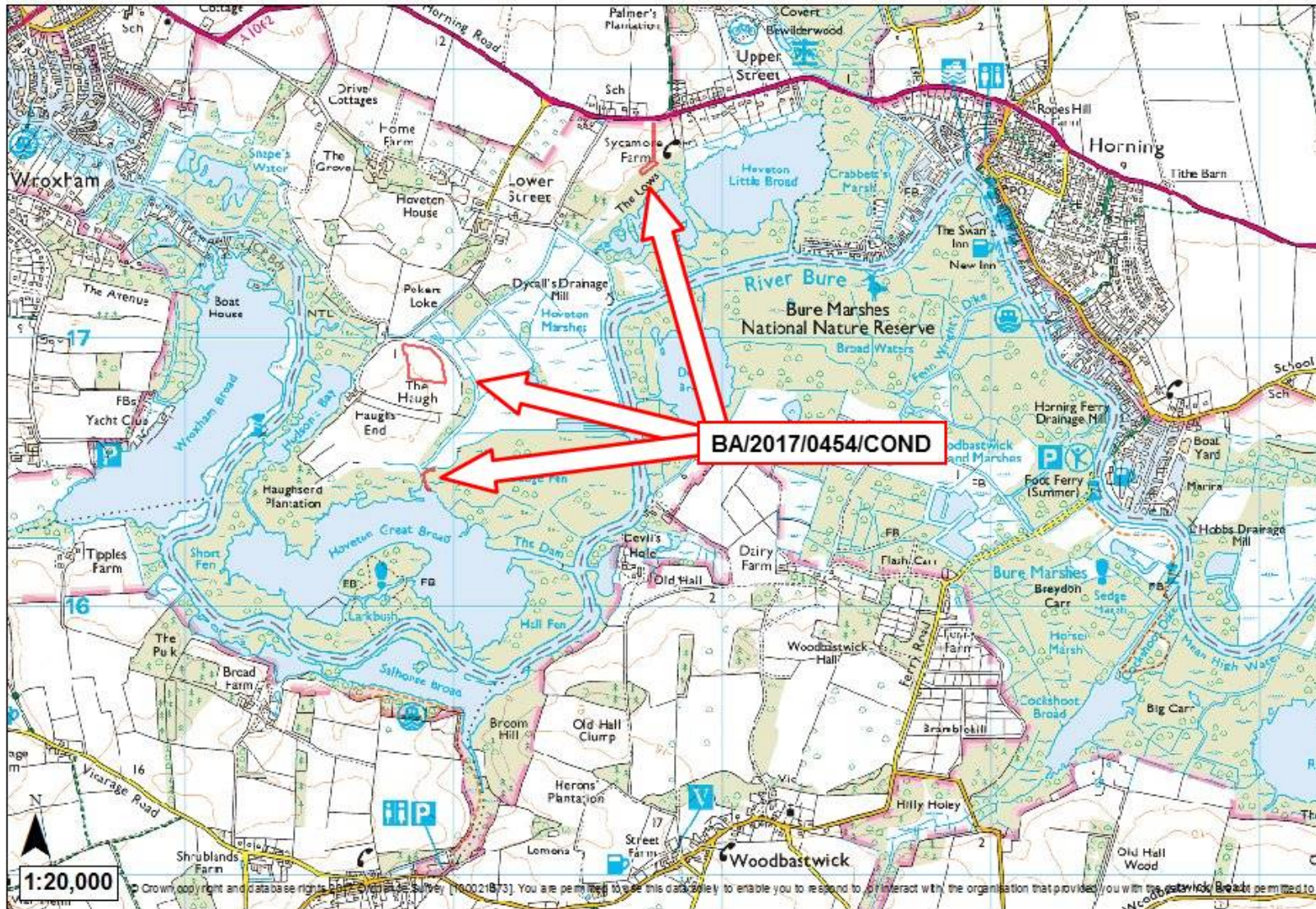
**Reference:**

BA/2017/0454/COND

**Location**

Hoveton Marshes, Horning Road, Hoveton

BA/2017/0454/COND - Hoveton Marshes



**Application for Determination**  
Report by Planning Officer

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|--|---|
| <b>Target Date</b>                       | 12 April 2018   |
| <b>Parish:</b>                           | Hoveton Parish Council  |
| <b>Reference:</b>                        | BA/2017/0454/COND   |
| <b>Location:</b>                         | Hoveton Marshes, Horning Road, Hoveton  |
| <b>Proposal:</b>                         | Variation of condition 2: approved plans, and removal of conditions 7: ramp sections, and 9: archaeology of permission BA/2014/0407/FUL |
| <b>Applicant:</b>                        | Natural England   |
| <b>Recommendation:</b>                   | Approve subject to conditions and subsequent comments of Navigation Committee   |
| <b>Reason for referral to Committee:</b> | Director discretion   |

## **1 Description of Site and Proposals**

- 1.1 The application site forms part of the Hoveton Estate and includes areas of agricultural land and sites around Pound End Broad and Hoveton Marshes. This area lies to the south of Horning Road between the main settlements of Hoveton and Horning and to the west of the River Bure, north of Hoveton Great Broad. Other than the far south of the application site where it adjoins Hoveton Great Broad, the majority of the application area is not under any habitat designation.
- 1.2 Members may recall that in September 2014, planning permission was granted for development to facilitate a lake restoration project, proposed by Natural England (BA/2014/0248/FUL). That project is now underway. Subsequent to that permission being granted, an application proposing development facilitating a canoe trail on Hoveton Marshes to the north of Hoveton Great Broad was submitted. This was submitted partly in response to desires expressed in consultation responses to the previous application to improve public access to the site. When considering the initial project (and

associated funding bids) at the full Authority meeting of 26 September 2014, the Broads Authority concluded that they supported the project subject to the inclusion of better public access to the project site.

- 1.3 In March 2015 planning permission was granted for a new vehicular access from Horning Road, a car park, temporary buildings, boardwalk, slipway, landing stage, viewing platform and de-watering lagoon to facilitate the restoration of the dykes and waterways across Horning Marshes to facilitate the development and use of a guided canoe trail (BA/2014/0407/FUL). Work to implement this development has not yet commenced. Some pre-commencement conditions have been discharged (BA/2017/0433/APPCON) and an application addressing the remainder is currently under consideration (BA/2017/0497/APPCON) and will be determined under delegated powers.
- 1.4 This application seeks to vary condition 2 and remove conditions 7 and 9.
- 1.5 Condition 2 identifies the approved plans and documents. It is proposed to vary this to apply to amended plans and documents. The amendments are: the provision of boat trips on an amended route, rather than canoe trips; and, slubbing out dykes with an excavator and depositing spoil on adjacent banks, rather than mud-pumping to a lagoon.
- 1.6 The approved scheme provided for a guided canoe trail with a total of seven canoes at any one time (one guide boat, six canoes with up to three visitors in each) and up to three trips a day March to October over a set 3.6 km route through the marshes. It is proposed to use one electric boat instead of any canoes and run up to six trips a day, each lasting approximately 1.5 hours on an amended route. A precise specification of the boat is proposed to be submitted under condition in due course, but a propeller driven boat with electric motor is proposed and would have a maximum length of 26ft, beam of 8ft and draft of 2ft 6 inches. It would have a maximum capacity of 17 adults, plus one crew.
- 1.7 It is proposed to change the trail from guided canoes to a guided boat in order to make the trail more accessible to those less physically able, it would also allow the guide to communicate to the passengers more easily and preserve the tranquillity of the marshes and the applicant considers it more likely to be economically viable and self-sustaining. The 4km return route has been amended to make use of the larger dykes around the perimeter of the marshes which a boat could more easily navigate than the narrower route approved for the canoe trail. The approved slipway and staithe structures have been amended to allow boat access.
- 1.8 Condition 7 is a pre-commencement condition requiring section drawings and details of a 'ramp' shown on the approved drawings between the car park and footpath to the launching point. This drawing has been amended to clarify there would be no 'ramp' as such but the ground would be re-profiled with existing material on-site. The applicant does not consider this to require section drawings.

- 1.9 Condition 9 requires a scheme of archaeological evaluation for the area of the approved de-watering lagoon. This related to the approved methodology to mud pump the dykes to this lagoon, allow it to de-water and spread the dried material on agricultural land. The temporary lagoon would then be removed. It is, however, now proposed to dredge the dykes and place the material on the banks to dry following traditional slubbing out methods. There is therefore no longer a need for the de-watering lagoon and no other development is proposed on this part of the site. It is therefore proposed to remove this condition as it would no longer be relevant.
- 1.10 All other aspects of the development would remain as approved, including all necessary ecological and other mitigation measures. It is, however, noted it would be necessary to change the word 'canoe' to 'boat' in conditions 14, 15 and 22-26.
- 1.11 The applicant acknowledges that the proposal (as with the previous approved development) is not Environmental Impact Assessment (EIA) development (as defined in the *Town and Country Planning (Environmental Impact Assessment) Regulations 2017*). The applicant has voluntarily submitted an Environmental Statement on the basis that the combined scale of this project with the approved Hoveton Great Broad restoration has the potential to have significant environmental effects. The application was screened by the LPA when submitted. As an Environmental Statement has been submitted, the LPA must consider the application in accordance with the EIA regulations as if it were EIA development and an assessment of the Environmental Statement and environmental effects is made below.

## **2 Site History**

- 2.1 BA/2014/0407/FUL New vehicular access from the A1062 Horning Road, car park, timber equipment store, temporary toilet facilities, boardwalk and canoe slipway at Pound End; landing stage, boardwalk, and viewing platform at Hoveton Great Broad; and temporary de-watering lagoon - Approved subject to conditions.
- 2.2 BA/2017/0433/APPCON Details of: Conditions 8: Biosecurity and 10: Macrophyte and Snail Survey of permission BA/2014/0407/FUL – Approved
- 2.3 BA/2017/0497/APPCON Details of Conditions 3: Fence and Gate Details, 4: Shed, Portaloos and Timber Screen Details, 5: Landscaping Scheme, 6: Footpath Details, 11: Habitat Creation and 28: Signage of permission BA/2014/0407/FUL – Approved.

## **3 Consultations**

- 3.1 Consultations received

Natural England (as statutory consultee) - No comments.

Highway Authority – No objection.

Historic England – No objection in principle, recommend consult Historic Environment Service.

Historic Environment Service - Since the methodology has changed and no longer involves the construction of a de-watering lagoon, we are happy for condition 9 of planning permission BA/2014/0407/FUL to be removed.

Please note at the time of writing the report and when the Committee consider it, the consultation period is ongoing. The Navigation Committee will also consider the proposal at their meeting on 22 February 2018. The recommendation below is therefore subject to consideration of any additional responses and comments that may be raised subsequently.

### 3.2 Representations received

None received at time of writing the report.

## 4 Policies

- 4.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

#### [Adopted Core Strategy \(2007\)](#)

CS1 – Landscape Protection and Enhancement  
CS6 – Historic Environment  
CS9 – Sustainable Tourism  
CS11 – Sustainable Tourism  
CS17 - Access and Transportation

#### [Adopted Development Management Policies \(2011\)](#)

DP1 – Natural Environment  
DP2 – Landscape and Trees  
DP3 – Water Quality and Resources  
DP4 – Design  
DP11 – Access on Land  
DP29 – Development on sites with a High Probability of Flooding

- 4.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

#### [Adopted Core Strategy \(2007\)](#)

CS20 – Rural Sustainability

#### [Adopted Development Management Policies \(2011\)](#)

DP5- Historic Environment

DP12 – Access to Water  
DP14 – General Location of Sustainable Tourism and Recreation  
Development  
DP28 – Amenity

#### 4.3 Neighbourhood Plan

There is no Neighbourhood Plan applicable to this area.

#### 4.4 Material considerations

[NPPF](#)

### 5 Assessment

5.1 There has been no change in local or national planning policy since the approval of the original permission and that permission remains extant. It is therefore neither necessary nor appropriate to re-visit the principle of the overall scheme, but only to assess the changes proposed in this application. The Environmental Statement identifies ecological, landscape and visual impacts, flood risk, ground conditions, air quality and odour, noise and vibration, archaeology and cultural heritage, waste, traffic and access, and sustainability as potential issues which the scheme could affect and the assessment considers the amended scheme within the context of the Environmental Statement and assesses each of these issues.

5.2 One aim of the project is to provide access and enhance understanding and enjoyment of the marshes. This has previously been supported in principle by the Broads Authority. It is noted that the local community and other stakeholders have previously expressed aspirations to get better public access to the wider project area (including Hoveton Great Broad itself) and the proposed amendments do not fulfil those, but the use of a more accessible vessel which may encourage use by a greater section of the community is welcomed and is acceptable in principle in planning terms and in accordance with Policies DP12 and DP14.

#### Ecology

5.3 The approved scheme was proposed in order to improve the water quality and habitat in the dyke network by removing sediment and to provide access to an area of characteristic wetland, giving visitors an opportunity to appreciate the landscape and wildlife value of a previously inaccessible area.

5.4 The method of removing sediment has changed from mud pumping to slubbing out – a traditional maintenance operation which does not in itself constitute development. A different route through the marshes is proposed in order to accommodate a boat, but a greater length of dykes would be cleared and two further dykes would be cleared to allow access in case of emergencies.

- 5.5 Whilst a detailed specification for the proposed boat has not been provided at this stage, the shallow draft, electric propulsion and low wash identified would be acceptable in ecological terms. The greater number of trips per day is not considered to have any significant additional impact of wildlife disturbance and, as noted by the applicant, the use of one boat, rather than up to a total of seven canoes, may result in less noise as communication with passengers would be easier.
- 5.6 The proposals in respect of conditions 7 and 9 have no ecological implications.
- 5.7 The approved scheme was considered to have a neutral ecological impact in the short term, following mitigation, and long term beneficial impacts in terms of improvements in water quality and management plus landscape planting around the car park. Cumulatively with restoration of Hoveton Great Broad, any individual minor adverse impacts were not considered to have any significant impacts, including if work is carried out on the adjacent sites at same time. It is not considered that the proposed amendments, which would be subject to the same mitigation, management and monitoring conditions, would have any additional or unacceptable ecological impacts or impacts on the designated sites or protected species. On this basis, an Appropriate Assessment under the Habitat Regulations is not required. The proposal is acceptable in accordance with Policy DP1 and criterion (d) of Policy DP14.

#### Landscape and visual impacts

- 5.8 The proposed method of dyke clearance would result in material deposited on the adjacent banks and this is a characteristic feature of the Broads landscape which would have no adverse effects on it. The lagoon associated with the mud pumping would have had a temporary landscape impact and this would not now be required so this impact will be avoided.
- 5.9 The amended route would take the boat on dykes adjacent to the river, rather than through the centre of the marshes, where it may be visible through the bankside vegetation to passing boats on the river. This impact would be short-term and transient and not adversely affect the landscape or enjoyment of it.
- 5.10 It is not therefore considered the boat trail and sediment removal proposals would have any adverse landscape impacts and the proposal is acceptable in this respect in accordance with Policy DP2. The amendments to the slipway and staithe structures are minor and these remain appropriate in design terms in accordance with Policy DP4.
- 5.11 The proposal to remove the requirements of condition 7 to provide additional detail and section drawings of the ramp to address the change in levels between the car park and footpath has been justified on the basis the change in levels is slight and any required materials to level the surface would be generated on site. The supporting information does not satisfactorily explain this and further information is required to understand the extent of the change. In effect, this is the same information that condition 7 requires submission of, so it is not considered appropriate to remove this condition. It can, instead, be



amended to require submission of that information prior to work on that particular phase of the scheme, rather than prior to any commencement, to fit with the applicant's timescales.

#### Highways and Navigation

- 5.12 In terms of traffic, the boat trip would accommodate the same number of passengers per trip as the approved canoe trial but there would be up to double the number of trips per each day. The Highways Authority have no objection to this and the proposal is acceptable in this respect in accordance with Policy DP11.
- 5.13 The approved canoe trail did not use or affect the river or public navigation at all. The only difference with the boat trail is that at the start and end of each season, the boat would be launched at Wroxham and travel to the site via the river and through Black Horse Broad to Pound End Broad. It is not considered this would affect the navigation and the views of the Navigation Committee on the whole scheme will be sought in due course and taken into account prior to a decision being issued. It is, however, not considered that in planning terms the proposal would adversely affect the navigation and is acceptable in this respect.

#### Archaeology and cultural heritage

- 5.14 In assessing the approved scheme, it was identified that the proposed de-watering lagoon was the only aspect with potential to affect buried archaeological deposits. Condition 9 requiring investigation with trial trenches was considered necessary on this basis. The proposed change to methodology to excavate material and deposit it on the adjacent banks obviates the need for the de-watering lagoon and thus also condition 9. Historic England and the Historic Environment Service have no objection and the removal of condition 9 is considered acceptable in accordance with Policies CS6 and DP5.

#### Other matters

- 5.15 The proposed amendments are not considered to have any additional effects on other heritage assets, flood risk, ground conditions, amenity (including air quality, noise and vibration) or waste above any generated by the approved scheme.
- 5.16 Having assessed the submitted Environmental Statement, it is not considered that this amended proposal for access, in isolation or in combination with the restoration of Hoveton Great Broad, would result in any significant environmental effects. The mitigation measures which the approved scheme was subject to remain applicable to this amended scheme to mitigate the less than significant effects and those conditions, and all others not affected by this proposal, should be re-stated on any permission granted for this amended scheme.

## 6 Conclusion

- 6.1 In summary, the application proposes amending an approved canoe trail to a boat trail, using traditional dredging techniques in place of mud pumping, amending the slipway and staithe structures, omitting the approved de-watering lagoon and removing the need to submit further details of a ramp.
- 6.2 The amendments to the boat trail, sediment removal and structures are not considered to result in any additional or unacceptable ecological, landscape or amenity impacts. The additional traffic resulting from the doubling of the maximum number of daily trips is not unacceptable and the archaeological condition is no longer necessary, nor is condition 19 concerning restoration of the lagoon area. It is, however, considered necessary to retain condition 7 requiring additional details of the ramp.
- 6.3 Subject to any further consultation responses which may be received and the views of the Navigation Committee, the proposal to vary condition 2 and remove condition 9 is therefore acceptable, subject to retention of all other conditions appropriately re-worded to amend the word 'canoe' to 'boat' and reflect the fact some pre-commencement conditions have already been discharged.

## 7 Recommendation

- 7.1 Subject to any further consultation responses which may be received and the views of the Navigation Committee, approve with the following conditions:

In accordance with time limit on previous permission – work to commence by 2 March 2018

In accordance with submitted plans

### Prior to construction

Elevations and materials of fence and gates at entrance\*

Elevations and materials of shed, portaloos and timber screen\*

Planting details\*

Precise route of footpath and tree removal\*

Sections and details of fill material to ramp (prior to commencement of car park works)

Work practices to minimise spread of invasive species\*\*

Protection of organisms during mud pumping required \*\*

Details of compensatory habitat\*

### During construction

Cessation of construction in freezing conditions

Mitigation during construction period as set out in Environmental Statement

### Prior to first use

Two years breeding and non-breeding bird surveys prior to first operation

Management Plan to include proposals for pre-commencement surveys each year, surveying during operation, maintenance of structures, appropriate reporting and mitigation protocols  
Access to be constructed to highways specification  
Car park laid out and surfaced as approved plan prior to use  
Gates to be positioned as per approved plan

#### Restoration and Enhancement

Landscaping to be completed in first available planting season  
Provision of compensatory habitat

#### Operation

Removal of toilets at end of each season  
Car park, shed and portaloos to be used in conjunction with the operation of the boat trail only, unless otherwise agreed.  
Specification of type and size of boat to be used  
Maximum of one boat on each trip  
Maximum of six trips per day in daylight hours and only one trip at a time  
Canoe route and ancillary development to operate March to October inclusive each year, subject to provisions of Management Plan  
Replacement of any new tree or shrubs which dies within five years  
Provision of signage\*

\*Currently subject to application BA/2017/0497/APPCON to discharge these conditions, wording can be amended to reflect any agreed details.

\*\* Conditions discharged under application BA/2017/0433/APPCON, wording to be amended to reflect agreed details..

## **8 Reason for Recommendation**

- 8.1 In the opinion of the Local Planning Authority, the proposal is acceptable in accordance with Policies CS1, CS6, CS9, CS11, CS17 and CS20 of the adopted Core Strategy (2007), Policies DP1, DP2, DP3, DP4, DP5, DP11, DP12, DP14, DP28 and DP29 of the adopted Development Management Policies (2014) and the National Planning Policy Framework and it is not considered the proposal would result in any significant environmental effects.

Background papers: BA/2017/0454/COND  
Author: Maria Hammond  
Date of report: 17 January 2017  
Appendices: Appendix 1 – Map

BA/2017/0454/COND Hoveton Marshes

