

Application for Determination

- Parishes:** Fleggburgh
- Reference:** BA/2012/0033/FUL **Target Date:** 25 April 2012
- Location:** Compartment 9 (Phase 2), left bank of River Bure between Acle Bridge And Bridge Farm, Acle
- Proposal:** Flood defence works including rollback of existing floodbank and installation of piling wall. Soke dyke excavation and associated engineering works.
- Applicant:** Environment Agency
- Reason for referral:** Major application
- Recommendation:** Approve with conditions

1 Description of Site and Proposal

- 1.1 Compartment 9 consists of some 1,800 hectares of land on the north side of the River Bure between Oby and Stokesby. Flood defence improvements were approved in April 2011 along an 8.5 kilometre length of floodbank adjacent to the left bank of the river from Boundary Farm, Oby to Stokesby Village. The approved scheme however excluded flood defence works immediately downstream from Acle Bridge covering a length of some 207 metres. This was as a result of landowner objection to the scheme as originally proposed close to the commercial premises (Electrical Testing) and Bridge Farm.
- 1.2 This application seeks consent for this 207 metre length of defences. The majority of the area has a piled edge, is not used for mooring and part of it is in a poor condition. This application has been formulated following discussion between BESL and the landowner to devise an acceptable form of flood defence. Appendix 1 is a plan showing the extent of the application site.
- 1.3 Whilst the application covers a relatively short length of floodbank, as the original application was accompanied by an Environmental Statement, BESL have concluded that this application also needs to be considered in a similar manner so has submitted details of any new or cumulative impacts as a result of the current proposal.

1.4 The application has two elements:

- Towards the eastern end (some 161 metres) roll back floodbank away from the existing piled river edge. To provide material for this, the existing soke dyke will be infilled and a new soke dyke and pond area will be excavated in the marsh area behind the bank (BESL have indicated that the extent of the rollback has been reduced from that which was originally proposed - this was one of the main concerns of the landowner). Once the new bank has been established it is proposed that the dilapidated river frontage piling will be removed and the edge of the channel re-graded to allow vegetation to establish (BESL have confirmed that this pile removal will be subject to a separate planning application).
- Adjacent to the Electrical Testing building in the western part of the application site (some 46 metres), the flood defence proposed is a new timber clad steel crest pile wall that will link from the rollback floodbank and the bridge abutment (passing between the Electrical Testing premises and its old boatyard basin). Adjacent to the bridge the wall is proposed to be covered with an earth bank and graded and surfaced to provide replacement car parking for the business. BESL have confirmed that the removal of any frontage piling will again be the subject of a separate planning application. The scheme also shows existing slipway steel work in this area to be removed and the area made safe.

1.5 If consent is granted, BESL have indicated works should be undertaken in Spring 2012. The main site compound is proposed at Acle (utilising the compound that served other works in compartment 9). No weekend working is proposed to deliver this consent

2 Planning History

BA/2010/0391/FUL Flood improvement works (remainder of compartment 9).
Approved April 2011.

3 Consultations

Fleggburgh Parish Council – No objection.

Acle Parish Council – Awaited .

Broads Society – Awaited.

NCC Highways – No objection. This application is for an 'infill' section of flood defence omitted from earlier application 11/0391. The intention is to use the already established site compound off the A1064 just outside the built up area of Acle with road access to the works site being from the existing Electrical Testing / Bridge Farm access point to the north of Acle Bridge. As any additional traffic movements will be on satisfactory routes using existing access points and considering the works to be of a temporary

and essential nature, I have no objection to the granting of permission.

NCC PROW – Awaited.

Environment Agency – Awaited.

Broads IDB – Awaited.

Natural England – Awaited.

RSPB – Awaited.

Great Yarmouth EHO – Awaited.

NCC Historic Environment Service – Awaited.

4 Representations

- 4.1 The Navigation Committee will consider this matter at their meeting on 22 February 2012. Whilst the views of the Committee will be updated verbally at the meeting, the officer report concludes:

Officers are mindful of the fact that the proposals in this planning application have been developed in consultation with the landowner and welcome the fact that this application will complete the flood defence works for Compartment 9. Provided that matters relating to the methodology of piling removal, channel marking and erosion monitoring post piling removal are covered by appropriate planning conditions officers do not propose to object to this application.

- 4.2 The original application raised significant concerns from Mr Hobbs of Bridge Farm and their representatives. Following consultation on this application, Mr Hobbs has responded as follows:

Thank you for the planning information, I will remain in contact with Kevin Marsh during the course of the works. May I convey my thanks to you and the construction team for the manner in which the first part of the work was carried out in November/December.

I have contacted my solicitor and we agree that there is no further need to copy him in on any information unless otherwise advised.

5 Planning Policy

- 5.1 **Broads Core Strategy**
[Core Strategy \(Adopted Sept 2007\).pdf](#)

Policy CS3 – Navigation

Policy CS4 – Creation of New Resources.

5.2 **Broads Authority Development Management Policies DPD**
[DMP DPD - Adoption version.pdf](#)

Policy DP11 – Access on land
Policy DP13 – Bank protection
Policy DP28 – Amenity.

6 Assessment

- 6.1 Members will recall that promoting a ‘compartment wide’ approach to flood defence works throughout the Broads area has been encouraged to ensure that defences are delivered in a co-ordinated and efficient manner. However, in this case, to deliver the majority of the flood defences in this compartment at an early stage, permission was granted omitting the short area downstream of Acle Bridge. It was hoped that the planning application to complete the defences in this compartment would be submitted in summer 2011. However the application has taken longer to formulate than anticipated.
- 6.2 The application now received will allow the completion of flood defence works in compartment 9, effectively filling a potential weak spot in defences in the compartment. This is welcomed.
- 6.3 Furthermore the proposal has been formulated following detailed discussion between BESL and the landowner and seeks to address the concerns raised with the first application by Mr Hobbs and his representatives. Members will note that Mr Hobbs has written in and has raised no objection to the current application.
- 6.4 Whilst the formal comments of several consultees are awaited, in view of the limited extent of works proposed, coupled with the supportive views expressed by consultees on the initial application (BA2011/0391/FUL), it is not anticipated that any objection will be received.
- 6.5 The proposals close to Acle Bridge are for a combination of sustainable flood defences (in the form of roll bank floodbank), some crest piling and flood wall works (in front of the commercial premises). These are techniques that have been used elsewhere in flood defence schemes. As part of the application, the existing piling (which is not used for any mooring and part of which is in poor condition) is shown to be removed. This pile removal will only take place once floodbank works are complete and new banks established. BESL have indicated in this location that they recognise pile removal will need to be the subject of a further planning application (in a similar way to the consent granted for the remainder of the compartment BA/2010/0391/FUL).
- 6.6 To protect navigation interests and to ensure a satisfactory appearance at this visually important site, it is proposed that the following conditions should be imposed:

- PD rights removed – piling.
- Navigation markers to be installed, where necessary, including linked to roll back.
- Piling and erosion protection details to be agreed prior to works being undertaken.

6.7 With these safeguards, it is considered that the proposal will provide an acceptable form of sustainable flood defences and not unacceptably impact on navigation interests meeting the aims of Policy DP13 of the Development Management Policies DPD and Policy CS3 of the Core Strategy DPD.

6.8 It is considered that the proposal will satisfactorily address nature conservation considerations. The visual amenity in this area will be safeguarded as a result of sympathetic design, creation of new road and re-vegetation measures for new floodbanks. The completion of defences will further safeguard the ecological interest of the area behind the defences, meeting the aims of Policy CS4 of the Core Strategy.

6.9 The works will be undertaken in a relatively short period (planned for Spring 2012), outside the busiest part of the holiday season. This should limit impact on amenity for both nearby residents and visitors (avoiding conflict with Development Management Policies DPD Policy DP28). In addition, work in this period should also avoid the vehicle movements during the busiest summer months. The County Highway Authority has raised no objection and the proposal is consistent with Policy DP 11 of the Development Management Policies DPD.

7 Conclusion

7.1 The application will provide enhanced flood defence for the compartment, including for the business premises as well as completing the protection of agricultural land and areas of nature conservation interest. It is considered that, subject to the conditions outlined below, the scheme is acceptable and meets the key tests of 'saved' policies in the Broads Core Strategy and Development Management Policies DPD.

8 Recommendation

8.1 That, subject to no substantive representation/comment being raised from any outstanding consultees, this planning application be approved subject to the following conditions:

- Standard time limit condition.
- Landscape/re-planting.
- P D Rights removed – piling.
- Navigation hazard markers.
- Hours of working.
- Detail of any works to piling.
- Erosion protection details to be agreed with Broads Authority.

8.3 The following informative be specified on the decision notice of the planning application:

- The permission shall be granted in the context of the Memorandum of Understanding between the Broads Authority and the Environment Agency on 25 April 2003.
- Works may need separate consents under the Water Resources Act and Land Drainage by-Laws for flood defence consent.

9 Reasons for Approval

9.1 The proposal seeks to enhance sustainable flood defences and is accompanied by an Environmental Statement which updates the previous Statement submitted linked to the earlier application for compartment 9.

9.2 The limited extent of works will complete defences in the compartment and this will further safeguard the ecological interest of the area meeting the aims of Policy CS4 of the Core Strategy.

9.3 The recreational interest of the area will be safeguarded by proposals for the floodbanks / defences. Subject to planning conditions, the water based recreational interest will be protected as require Core Strategy Policy CS3 and Policy DP13 of the Development Management Policies DPD.

9.4 Visual and residential amenity will be safeguarded as a result of sympathetic design, re-vegetation and working hours as protected and required by planning condition.

9.5 Therefore the application is considered to meet the requirements of the Core Strategy DPD Policies and Development Management Policies DPD. The proposal is considered to represent an appropriate design of development associated with flood defence work in this location.

Background Papers: BA/2012/0033/FUL

Author: Andy Scales
Date of report: 14 February 2012

Appendices: APPENDIX 1 Location Plan

APPENDIX 1

BA/2012/0033/FUL - Compartment 9 (Phase 2), Left Bank Of River Bure Between Acle Bridge And Bridge Farm. Acle Flood defence works including rollback of existing floodbanks and installation of piling wall. Soke dyke excavation, temporary site compound and associated engineering works.

