

**Planning Applications with Navigation Implications:
Variation of conditions 2, 3 and 19 and removal of conditions 7, 11, 12, 20 and
24 from permission BA/2014/0248/FUL
Report by Planning Officer**

Summary: Planning application to vary and remove the conditions of an existing planning permission which allows for the creation of fen and installation of temporary fish barriers to facilitate lake restoration at Hoveton Great Broad, Hudson's Bay and Wroxham Island, River Bure, Hoveton and Wroxham.

Member's views are sought on the proposals.

1 Background

- 1.1 The application site covers areas around the margins of the waterbodies of Hoveton Great Broad and Hudson's Bay, both in the parish of Hoveton, and around Wroxham Island, in Wroxham parish. These sites are located around a meander in the River Bure that forms a 'U' shape east of the settlement of Wroxham and Wroxham Broad and north of Salhouse Broad. Hoveton Great Broad is a large broad sitting within this 'U' separated from the main river by carr woodland; to the northwest is the smaller broad of Hudson's Bay. Due west of Hudson's Bay, across the river, is Wroxham Island, a narrow band of land defining the edge of Wroxham Broad from the river, with openings to the Broad at the northern and southern ends of the Island.
- 1.2 Hoveton Great Broad and Hudson's Bay are private broads within the Hoveton Estate and there is no public access to the water or surrounding land. They form part of the Bure Marshes National Nature Reserve and Natural England, the applicant, operate a seasonal nature trail on the southern edge of Hoveton Great Broad, accessed by moorings on the main river. There is a locked gate that gives private access by water from the river. These two broads are also designated Ramsar, SPA, SAC and SSSI.
- 1.3 Wroxham Island is approximately 700 metres long and varies in width to less than 10 metres at some points. On the river side (east), there are two sections of Broads Authority 24 hour moorings. Wroxham Broad is in private ownership with public access permitted, it does not form part of the public navigation.
- 1.4 In 2014 planning permission was granted for development to facilitate a large scale restoration project on Hoveton Great Broad and Hudson's Bay (BA/2014/0248/FUL). This included removing approximately 300mm depth of sediment from the two broads, pumping this into geotubes around the eastern edges of Hoveton Great Broad and the western side of Wroxham Island to

create bunds, backfilling these bunds with further sediment and planting them with fen vegetation, installing fish barriers at all entrances to the two broads, removing all fish and, once water quality has improved, removing the fish barriers. Natural England have secured funding for this project and plan to start work this autumn.

2 The Planning Application

2.1 Comments are sought from the Navigation Committee on the planning application submitted to the Broads Authority.

2.2 The application proposes varying and removing conditions on the existing permission to amend the approved scheme. The conditions subject to the application are summarised as follows:

Condition	Existing requirement	Proposal
2	To carry out development in accordance with the approved plans and documents	To substitute in amended plans omitting the fen creation on Wroxham Island
3	To carry out the development in accordance with the approved Phasing Schedule	To vary the Phasing Schedule to omit Phase 1 (mud pumping to Wroxham Island)
7	To agree and implement ecological enhancements	Remove condition
11	To agree a method for the installation and anchoring of a mud pumping pipeline across the River Bure to Wroxham Island	Remove condition
12	To agree warning signs and markers of navigation hazards arising from the pipeline and construction works	Remove condition
19	No external lighting	To use external lighting when necessary during working hours of 0800-1800
20	Pipeline and associated infrastructure to be removed on cessation of use of pipeline	Remove condition
24	No mooring against the geobags and associated structures within Wroxham Broad	Remove condition

2.3 As summarised in the table above, the conditions subject of the application all concern the approved deposition of sediment from Hoveton Great Broad and

Hudson's Bay in geobag bunded areas on Wroxham Island. The effect of the proposal is to remove any work to Wroxham Island from the scheme and all sediment pumped from Hoveton Great Broad and Hudson's Bay would be disposed of within the approved areas around Hoveton Great Broad. No other aspect of the scheme is proposed to be amended.

- 2.4 The proposed variations to conditions 2 and 3 would amend the approved plans and documents listed in those conditions to new plans and documents which omit the approved work to Wroxham Island. These conditions require the development to be carried out in accordance with the approved plans and documents, so these variations are necessary if that work is proposed to not be carried out.
- 2.5 Condition 7 requires agreement of details of ecological enhancements, to include a kingfisher bank on Wroxham Island in order to secure biodiversity enhancements. The application proposes removing this condition as the kingfisher bank was to be on Wroxham Island and the work here is no longer proposed and the applicant believes the overall project will provide sufficient ecological enhancement.
- 2.6 Condition 11, 12 and 20 all relate to the pipeline which was required to pump sediment from where it would be removed in Hudson's Bay and the western end of Hoveton Great Broad along the bed of the river and into the geobags and bunded area on Wroxham Island. This pipeline would no longer be required. These conditions were applied in the interests of protecting river users from navigation hazards.
- 2.7 Condition 19 prevents the use of any external lighting within the application site. The applicant proposes varying this condition to allow lighting to be used during working hours in order to ensure the project is completed in a timely manner.
- 2.8 Condition 24 prevents any mooring against the geobags and associated structures on Wroxham Island which would be created as a result of the approved scheme in the interests of the amenities of the area and protecting the geobags from inappropriate use.
- 2.9 The applicant, Natural England, has advised that the deposition of sediment around Wroxham Island is proposed to be omitted from the scheme as funding could not be obtained for this work as it is outside the habitat designations and that a smaller amount of sediment can be removed from Hoveton Great Broad and still achieve lake restoration, so the additional capacity at Wroxham Island is not required. The Broads Review, published after the submission of the original planning application, suggests that sediment removal is not as effective at reducing nutrient levels as was previously thought. The sediment removal will now focus on deepening the shallower parts of Hoveton Great Broad.

3 Navigation Issues

- 3.1 In determining this planning application, it is only the conditions which are proposed to be varied and removed which can be considered; it is not appropriate to revisit the principle of the scheme or other aspects not affected by the proposed condition variation and removal as these are not material planning considerations and therefore cannot be taken into account when determining this application
- 3.2 The only aspect of the approved scheme which is within the public navigation is the pipeline to pump sediment from Hoveton Great Broad and Hudson's Bay to Wroxham Island. The proposal would remove this part of the scheme and the works would be contained entirely within Hudson's Bay and Hoveton Great Broad which are not within the navigation area.
- 3.3 The approved fen creation area on Wroxham Island would have restored eroded areas and reinforced the Island to maintain the integrity of Wroxham Broad as a separate waterbody from the River Bure. This was welcomed, but the acceptability in planning terms of the approved scheme as a whole was not reliant on the implementation of this part of it. The applicant has advised that they are in discussions with local land owners and users to find other ways the project can help restore and protect Wroxham Island. This would be a separate project and there are no formal proposals at this time.

4 Conclusions

- 4.1 Members' views are therefore requested on the principle of the proposal to remove the work to Wroxham Island from the approved development required to facilitate the Hoveton Great Broad Restoration Project and any other matters of relevance to navigation. Any comments will be considered as part of the planning process.

Background papers: BA/2016/0228/COND

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Broads Plan Objectives: None

Appendices: None