

Application for Determination

Parishes: Oulton and Blundeston

Reference: BA/2008/0373/FUL **Target Date:** 27 February 2009

Location: Compartment 29 and 30 Oulton and Blundeston Marshes

Proposal: Improvement works for strengthening, rollback, setback and excavation of soke dykes (material sourcing), plus erosion protection works, erection of a temporary site compound and associated engineering works.

Applicant: Environment Agency

Recommendation: Approve with conditions.

1 Description of Site and Proposal

- 1.1 The application site extends along a 2.5 kilometre length of the right bank of the River Waveney and Oulton Dyke (in Compartment 29) and a further 1.2 kilometres to the north, on the right bank of the River Waveney (in Compartment 30). The current defences protect the Lowestoft to Norwich rail line and some 270 hectares of land. Attached, as Appendix 1 is the location plan showing the application site where works are proposed. In view of the size of the site and works proposed, an Environmental Statement accompanies the application. Its non-technical summary is attached as Appendix 2.
- 1.2 Current defences are provided by a combination of floodbank and erosion protection. The existing earth floodbanks have been rated as in a poor condition with significant areas (two thirds of the floodbank) with a crest width of less than two metres. Erosion protection is mainly in the form of reedbed rond but there are significant areas of piling in Compartment 29. In terms of this hard erosion protection, the timber piling is currently in a poor condition (with its residual life estimated as between one and twenty years) with the steel piling in a better condition (with a longer residual life).
- 1.3 The need for improvements have been identified to protect the areas of marshes and prevent:
- damage/loss of agricultural land;
 - damage/loss of ecological features;
 - damage/loss of valued Broads landscape, cultural heritage and recreational features;

- threat to the rail line close by.

1.4 The application proposes the following flood defence improvement works:

In Compartment 29 1307m strengthening

- 70m strengthen bank, remove piles and install erosion protection
- 22m strengthen bank and install erosion protection
- 342m rollback, remove piles and install erosion protection
- 43m rollback and retain piling
- 54m rollback and maintain piling
- 200m setback, remove piling and install erosion protection
- 445m set back and remove piling

the proposal includes two areas of set back which provide an opportunity for dredging disposal.

In Compartment 30

- 1219m strengthen bank
- 10m strengthen bank and sheet piling
- 7m strengthen bank and install erosion protection

1.5 At present there is 1164 metres of piling in the southern part of the application site. The proposal is to increase soft, more sustainable, erosion protection. BESL have identified significant areas of piling, especially the timber piling, as in a dangerous condition in Compartment 29. Therefore the application proposes to remove areas containing dangerous piling (some 834 metres) and install erosion protection. BESL is seeking consent for this now, without the imposition of a planning condition to control the timing of its removal. A further 330 metres of piling is proposed to be retained in the short to medium term and removed when it is no longer effective or becomes a navigation hazard. The piling used as Broads 24 hour mooring is to be maintained.

1.6 Compartments 29 and 30 comprise extensive areas of grassland and some fen. No SSSI designation exists on the right bank of the River Waveney or Oulton Dyke, but the Sprat's Water and Marshes Carleton Colville SSSI and Barnby Broad and Marshes SSSI are close by. Part of Oulton Marshes, in Compartment 29, is designated as a County Wildlife site.

1.7 Material for the new floodbanks and set back/roll back banks will be sourced from new or widened soke dykes to be excavated. The impact on habitat will be:

- new rond 1.02 ha
- new floodbank 1.74 ha
- new folding 1.50 ha
- new sokedyke 1.36 ha

- loss of marsh dyke 0.21 ha
- loss of grazing 3.62 ha
- loss of fen/scrub 1.78 ha

1.8 The area has a network of footpaths and rights of way, although only the southern portion of floodbank in Compartment 29 forms part of this network. As this is a permissive path, the set back bank in this area does not need to be the subject of a permanent footpath diversion. The floodbank in the southern portion of the application site is used for fishing and a number of angling platforms exist. In Compartment 29, an angling club uses an extensive length of floodbank to fish. Mooring opportunities are limited with short areas of informal mooring available plus an area of Broads Authority 24 hour mooring.

1.9 Within the compartment are a number of sites of historic interest. Three mills are located close by and proposals show protection to these with improved floodbank.

1.10 The proposal will require a site compound to be provided at Holly Farm. To service the works, a number of access routes are required, although large plant and machinery will arrive at the beginning of the works and generally be retained on site until completed. Works are proposed to commence in spring 2009 and complete in 2010, following the completion and establishment of new setback sections. Hours of working is proposed from 7.00 to 18.00 Monday to Friday and 7.00 to 13.00 on Saturdays.

2 Planning History

2.1 None relevant.

3 Consultations

Oulton Parish Council – We note and support the concerns expressed by the Broads Society regarding the flooding possibility at the top end of Oulton Broad and question whether that to raise the level of defences would indeed prevent the marshes acting as a safety valve in the event of flooding? With reference to the historical flooding, especially over topping during the 2007 surge event, we hope that the improvements scheduled will alleviate a number of potential long term consequences that could be of threat to owners of properties at that end of the Broads and also of consequence to the following:

- potential threat to the railway line;
- change to Broads landscape, cultural heritage and recreational features;
- losses of agricultural land and grazing land;
- the inundation of river water that has been in filtered with saline causing damage or even loss to ecological features.

We note that the results of the monitoring of proposals will be available to interested parties and that the proposed works are in compliance with planning policies such as The Broads Local Plan, The Broads Core Strategy, Suffolk Structure Plan. The OPC appreciates the opportunity to take advantage of the SCI and looks forward to monitoring the information regarding compartments 29/30.

Blundeston Parish Council – Awaited.

Burgh St Peter-w-Wheatacre Parish Council – No comments

Flixton Parish Council – Awaited.

Carlton Colville Parish Council – Awaited.

Broads Society – Object on a number of grounds and the Society make comments on a number of issues.

Raising of Floodbank: We note that it is intended to raise the level of the defences, but we must object to this. During the surge tide in November 2007, on both sides of Oulton Dyke there was considerable overtopping so that these marshes acted as a safety valve, despite which the level at the East End of Oulton Broad was very high and many properties were threatened; if the defences in Oulton Dyke had been higher some properties would have suffered. The EA have previously said that it would be illegal to do anything which made matters worse elsewhere and raising the defences in Oulton Dyke would make flooding worse in Oulton Broad. Not long ago the EA objected to a planning application for a new house in Broadview Road although it would have been on much higher ground than many houses already nearby. It is much better for marshes (with no houses or business buildings) to be flooded than houses etc. Before raising the floodbank to allow for sea level rise, protection should be given to the undefended properties in Oulton Broad, and the current defences near the Yacht Station should be raised. Under Environmental Objective 10, BESL admit that there are some residential properties at risk of flooding but claim that the scheme will not “significantly” affect water levels; any slightest change in water levels can have a serious affect and make all the difference between being flooded and not. We appreciate the desire to prevent breaches and do not object to the strengthening.

Temporary Closure of Moorings: We would object strongly to the closure of the 24 hour moorings during the summer; the work there should be carried out no earlier than mid October. (See Environmental Objective 20).

Fisher Row Piling: We are very pleased to learn that the Frodingham steel piles are to be retained after all and are in favour of the Parish Council proposal for a staithe; however, that only accounts for 13 m.

Next there is a long length of Mabey steel piles and whilst they appear to be in poor condition, in fact they are in good condition and are suffering from lack of maintenance in that the capping and waling are missing; documents with the application are contradictory; the drawing WNCOUL/400/003 shows that piling to be removed but the text in Environmental Statement, Volume 2, A1.2 Consultation Responses, against both the Broads Hire Boat Federation and this society states that the piling is to be retained; we assume that the text is correct and fully support retention of this piling since it is a popular casual mooring. We would object if removal of the steel piling was intended. A possible solution would be for the Broads Authority to do the same here as in other compartments and say that piling removal should be the subject of a further planning application.

Erosion Protection: Where this is proposed it should not be gabions, it should be marked until there is good vegetation growth; Oulton Dyke is heavily used by sailing craft and when tacking they need to use the full width of the Dyke; therefore at low tide there should be a good depth of water (say 1.2 m) close to the present bank line, and the marker posts need to be no further out than that.

Setback: Where setback takes place, the existing (or "old") floodbank should not be touched until the piling has been removed since, in other compartments, where the old floodbank has been removed there have been piling collapses, presumably due to the tie rod anchor blocks being disturbed. (In this connection we are pleased to read that BESL state that the old floodbank will remain in place until the piling is to be removed).

Removal of Piling: Where piling is removed it should be entirely removed and not cut off below water level. We note that in some places it is intended to remove piling without using EP, but to re-profile the bank; this may need some kind of marking.

Rollback: Where there is to be rollback with the piling either retained or maintained, it will be necessary to ensure that the tie rod anchor blocks are not disturbed, thereby weakening the piling.

Control of Scrub: After the work has been completed measures should be taken to prevent the growth of scrub and trees on the riverwall.

Piling: On the one very short length of piling proposed, instead of timber, recycled plastic should be used for any capping, walings etc; this is due to its longer life and the need to cut down on landfill tipping. The same applies if there is to be any crest piling, and also on the length of piling to be maintained/retained where the capping and waling (or fendering) need replacing.

Public Access: We are pleased to note that Suffolk County Council

are considering a claim for public right of way along the riverbank.
Hours of Work: In any consent, there should be a condition that no work takes place at weekends.

SCC Highways – No objection, subject to the following condition
'Before any construction plant or materials are delivered to the site, the applicant shall provide a minimum of twenty eight days notice to the Highway Authority of details of timings and numbers of these traffic movements'.

SCC (Rights of Way) – No objection. Any damage to any footpath or claimed footpath must be made good and any works to make good need the approval of SCC.

Environment Agency – No objection but informative should be appended to any consent regarding Land Drainage Bylaws.

Water Management Alliance (inc Broads IDB) – No observations to make.

Waveney DC Environmental Health Officer – Awaited.

Natural England – Awaited.

Suffolk Archaeological Service – The proposal is in an area of archaeological importance. There are a number of known sites along the footprint of the proposed development, and there is known wet organic potential in that area, in particular for the recovery of artefacts and deposits of an organic nature. This proposal is likely to cause considerable below ground disturbance. There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important archaeological deposits. Any permission granted should, however, be the subject of a PPG16, paragraph 30 condition, to ensure that an adequate record is made of any archaeological features or finds which would otherwise be destroyed by development. *No development shall take place within the area indicated (the whole site) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.*

Suffolk Wildlife Trust – The trust has been consulted throughout the process as landowner. It wishes to make the following comments:

Scheme Design: Suffolk Wildlife Trust strongly supports the objectives of the application both in terms of the added protection that will be afforded to valuable freshwater habitats and because of the habitat enhancement and creation opportunities associated with the scheme design. The modification to the original scheme design that now ensures that the loss of fen habitat is minimised is particularly

welcome.

Opportunities for Habitat Creation and Enhancement: With regard to the setback areas, these provide an excellent opportunity to create valuable reedbed habitat complementing and enhancing the existing wetland habitats. We hope that the detailed design of these areas will ensure that high quality habitat is created in part offsetting the loss of County Wildlife Site fen habitat on the 'Tea Gardens' marsh. We are however concerned about the proposal to use setback areas as possible silt disposal areas. Importing nutrient rich dredgings laden with buddleia seed has previously been shown to be damaging resulting in the loss of good quality semi-natural habitat. Elsewhere we are pleased to see that the design recognises that new dykes should be created with a profile that ensures that the wildlife interest is maximised and in particular creates good habitat for water vole, marginal plants and aquatic invertebrates. The plan recognises that opportunities exist to enhance existing wetland features on the adjoining marshes and where possible there should be exploited in full. We would expect to work closely with the applicant during the implementation of the works to ensure that the detailed design offers every opportunity for wildlife. We would hope that reseeded of bare ground is kept to an absolute minimum and confined to areas which in future will be maintained on a regular mowing regime ie footpaths. Elsewhere natural regeneration of vegetation that may include sacre plants such as marsh sow thistle should be encouraged.

Mitigation for Habitat Loss: We welcome the commitment to create new habitat to compensate for any losses resulting from the proposed works and we are willing to work with the applicant where we can to help achieve this objective. This scheme has the potential to help mitigate for habitat losses through actively creating BAP habitat on adjoining land. Within the Broads areas there is a wider need to create new BAP habitat to mitigate for losses associated with the flood alleviation scheme. We hope that the applicant will seek to achieve this target in full.

Protected Species: We are pleased that measures are detailed that should ensure the scheme has no impact on protected species. In particular we support the measures and methodology aimed at protecting water vole and reptiles however as a major landowner within the scheme area we would expect to be fully consulted on the timing of all works relating to vegetation cutting and protected species.

Public Access Benefits: Suffolk Wildlife Trust supports measures aimed at improving public access and in particular the permissive circular walk that encompasses the 'Tea Gardens' marsh. We would like to point out that Fisher Row as well as being a public right of way is also an essential management access route for SWT. We would expect that access will remain possible at all times during the implementation of the works and that on completion the track surface will be reinstated if any damage is sustained during the works.

Representation

The Navigation Committee considered this application and resolved to support the officer conclusion that *'provided that the appropriate specifications are agreed for piling, erosion protection, monitoring and channel marking, officers consider that the flood defence works will have a limited effect on navigation..... (and furthermore) BESL's proposals present considerable opportunities for partnership working to provide access enhancements. The proposals will also provide strategic dredging disposal sites and this is particularly welcomed'*.

4 Policies

Broads Local Plan ('saved' policies)

Policy INF5 – Broads flood alleviation strategy

In considering the Environment Agency's proposed Broadland Flood Alleviation Strategy, the Broads Authority will seek to ensure that the following issues are fully incorporated:

- a) minimising the risk to people and property, both in the defended and the undefended areas;
- b) adequate protection for the natural resources of the area, including the water environment, the wildlife habitats and species;
- c) adequate protection for the quality of recreation and navigation in the Broads;
- d) adequate protection for grazing marshes to ensure the continued viability of farming within the Environmentally Sensitive Area scheme;
- e) investigation and implementation of opportunities for environmental enhancement, for example by habitat creation or pond regeneration;
- f) investigation and implementation of opportunities for recreational and navigational enhancement;
- g) investigation and implementation of opportunities to enhance the visual amenity and landscape of the Broads, from land and water, having regard to local character;
- h) minimising any significant adverse impact on local communities and on the Broads landscape, wildlife and waterways from development required to implement the strategy;

- i) minimising any significant adverse effects on the residential amenities of occupiers in the surrounding area from development required to implement the strategy.

Policy C3 – Other areas of nature conservation interest

The Authority will seek to protect the wildlife interest of sites of local nature conservation importance.

Policy C8 – Piling and quay heading

Piling of banks will be permitted only where there is a need to prevent bank erosion by this method and it is for the following reasons:

- a) for navigation purposes;
- b) to meet flood defence requirements;
- c) where piling is required in association with development which has been granted planning permission.

Where appropriate, the Authority will seek a planning obligation from the developer to prevent mooring on banks which have been piled.

Policy C14 – Development on drained marshland

Development will not be permitted on the drained marshlands, except for development which is essential for conservation management, agricultural or land drainage purposes and which cannot be located elsewhere.

Policy TR2 – Development impinging on the waterways

Development which would adversely affect navigation by impinging on or otherwise obstructing the Broads waterways will not be permitted.

Policy TR27 – Public rights of way and public access

When determining development proposals, the Authority will seek to safeguard public rights of way and to pursue opportunities for increased public access where appropriate.

Policy TC6 – Local highway network

New development served by a road forming part of the Local Highway Network will be permitted provided that any resulting increase in traffic would not have a significant adverse effect on:

- a) highway safety; and
- b) the route's traffic capacity; and
- c) the amenity and access of any adjoining occupiers.

In appropriate cases a Traffic Impact Assessment will be required to

demonstrate that development proposals can be accommodated on the local road network, taking into account any infrastructure improvements proposed.

Core Strategy DPD

Policy CS2 – Landscape, protection and enhancement (nature conservation designations)

In the interpretation and implementation of the Core Strategy policies, full regard will be taken of the objectives of European and National nature conservation designations and adverse effects avoided.

Policy CS3 – Navigable water space

Navigable water space will be protected and enhanced through:

- (i) The design of flood alleviation/protection projects
- (ii) Avoiding development and changes in land management which are detrimental to its use.

Policy CS4 – Creation of new resources

The Broads landscape is partly man-made and is constantly changing. There will continue to be opportunities to create new environmental and cultural assets on any scale of development and these will be sought where they:

- (i) create new high quality land and water-based landscapes which reflect the essential Broads characteristics, offering biodiversity gains through habitat creation and opportunities to improve facilities for navigation and recreation
- (ii) improve the quality of the built environment
- (iii) involve, for all new developments, good quality design, the use of sustainable construction methods and the use of locally sourced materials
- (iv) incorporate crime reduction measures in line with “Secured by Design”
- (v) protect, maintain and enhance the nature conservation value of the Broads paying attention to habitats and species
- (vi) contribute to ecological networks and create habitat corridors, especially linking fragmented habitats of high wildlife value
- (vii) encourage and facilitate the development of alternative and more sustainable solutions to flood risk and alleviation, taking into account the likely changes as a consequence of climate change.

Policy CS6 – Historic and cultural environment (archaeology)

The archaeology of the Broads will be better understood, protected and enhanced by:

- (i) protecting existing archaeology from inappropriate development or change
- (ii) raising awareness of potential archaeology through the identification of likely sites/finds

- (iii) the adoption of methodology and procedures for the notification, recording and interpretation of unanticipated finds; and
- (iv) encouraging the interpretation of archaeology.

5 Assessment

5.1 In view of the nature of the flood defence works proposed, the comments received from consultees and the planning policy context provided by the Broads Core Strategy and Broads Local Plan, it is considered that the main issues to consider relate to:

- (i) impact on property and people;
- (ii) impact on habitat and ecology;
- (iii) impact on recreation and particularly navigation;
- (iv) impact on other aspects, including amenity, archaeology and highway matters.

5.2 Impact on Property and People

5.2.1 The application has been submitted to improve existing defences to provide protection not only for the extensive areas of grassland in these compartments but also to protect the rail line between Lowestoft and Norwich. Once implemented the works should limit risk to grazing agricultural land, the habitat this forms and also the important sustainable transport link provided by the rail line. The works therefore accord with the key aim of 'saved' Policy INF5 of the Broads Local Plan.

5.2.3 The Broads Society has raised an objection to the scheme in view of the increase in floodbank height proposed. In their opinion, the proposal will unacceptably restrict the ability of water to overtop onto Oulton Marshes in surge tide conditions and therefore increase water levels elsewhere and the risk to properties in the area on higher ground that are currently safe due to this overtopping. BESL have confirmed that the scheme has been devised to enable water to enter the marshes at times of high-level events. The scheme provides a 270 metres of floodbank at a level of 1.55 metres AOD (in comparison to other crest heights of 1.80 metres), to allow 'preferential' overtopping into the marshes. In addition, BESL highlight that Peto's Marsh (opposite) also allows overtopping and there are no improvements proposed here. Based on these factors, it is considered that the proposal should satisfactorily control water at high level events and will not unacceptably increase the risk of damage to property meeting the aim of Policy INF5 of the Broads Local Plan.

5.3 Impact on Habitat and Ecology

5.3.1 Although Compartments 29 and 30 do not contain any SSSI designation, the proposal will result in the loss of 3.6 ha of grazing

marsh / grassland. The replacement habitat of floodbank, rond, folding and sokedyke is of bio diversity interest, although this is more limited than the grassland. It is considered that the benefit of enhanced protection generally for the extensive areas of grassland and associated wildlife (as well as the enhanced protection of the rail line) outweigh the modest loss of grazing marsh, especially as BESL have stated that they intend to create replacement habitat to ensure no net loss of grazing marsh. Whilst the formal view of Natural England is awaited, initial indications are that they will raise no objection to this application. In view of these factors, the proposal accords with the nature conservation aims of Policies CS2 and CS4 of the Core Strategy and Policies INF5, C3 and C14 of the Broads Local Plan.

5.4 Impact on Recreation and Navigation Considerations

- 5.4.1 Walkers and anglers as well as boat users enjoy the River Waveney and Oulton Dyke and their banks. As part of the scheme, access to the floodbank will need to be restricted during works. Whilst only a short section of floodbank forms a permissive footpath, this is a well used area. Any access restriction for walkers is regrettable. However, the short-term restrictions in access will be outweighed by the improvement provided by a wider and more consistent height of floodbank, enhancing provision for people using this path. In addition an improved floodbank with a wider crest may offer potential to increase footpath links in the area in the future. Therefore, the proposal is consistent with Policy INF5 and TR27 of the Broads Local Plan.
- 5.4.2 Some existing sections of floodbank provide access for fishing, including a number of angling pontoons, especially a length north of the permissive footpath that is used by a local angling club. BESL recognise that these represent an important amenity. Therefore following completion of works, access to these pontoons in set back areas will be maintained whilst the old banks remains (prior to their removal), but after that time, alternative provision may be needed.
- 5.4.3 The Broads Society have raised a number of concerns regarding impact on navigation interests, most notably in relation to the temporary closure of the Broads 24 hour mooring, but also regarding retention of existing non timber piling, navigation marking, set back, rollback and pile removal. In response to these concerns, BESL have highlighted that they will endeavour to keep the Broads 24 hour mooring open during construction and will seek to complete this work outside the peak summer season. As part of the works, they propose to fit new top boards on a 30 metre length of piling in the southern part of Compartment 29 using timber capping and waling (from sustainable sources). They also have confirmed the use of bitumen matting as part of the erosion protection measures, rather than the use of gabions.

5.4.4 This application, unlike most BESL submissions, proposes the removal of some areas of piling and installation of erosion protection to coincide with floodbank works. In view of the poor condition of timber piling, this approach is considered to be generally acceptable, as this no longer performs a useful erosion protection function. However, it has been identified that some short length(s) of timber piling, in the areas of set back banks that can be used for dredging disposals, should be retained in the short term to provide mooring for craft involved in carrying dredging for disposal. The precise short length(s) of piling will be identified in consultation between BESL and Broads Officers. This approach will greatly assist the Authority in dredging disposal and when this is complete, the Authority, as leaseholder, would then consider whether this piling should be removed or retained/upgraded for strategic purposes. If this piling is removed, the Authority would undertake to carry out the necessary work to BESL's specification. Within the length of timber piling, there are areas of non-timber piling, which is not in the same very poor condition. It is considered that this should be retained in the short to medium term, whilst it still performs a useful function, including as highlighted by the Broads Society, an opportunity for casual mooring. None of these areas of non timber piling has yet been identified as in a suitable location to help with mooring of craft associated with dredging disposal.

5.4.5 The navigation issues raised by the Broads Society are concerns highlighted in applications submitted elsewhere in the Broads area by BESL. Whilst these are important considerations, a range of planning conditions can be used to address these concerns. In relation to this application, it is considered that the following conditions should be imposed to address the navigation concerns raised.

- PD rights removed for non timber piling removal and timber piling identified to be used for dredging craft mooring;
- all detail of new piling and details of repair/maintenance to be agreed;
- navigation markers to be installed, where necessary, including linked to set back, roll back, etc, to be agreed with Broads Officers;
- erosion protection to be agreed prior to works being undertaken;
- phasing/timing of works to be agreed.

5.4.6 Subject to the imposition of these conditions, the proposal will meet satisfactorily the tests of policies INF 5 and TR2 of the Broads Local Plan and policy CS3 of the Core Strategy.

5.5 Other Considerations

5.5.1 In view of the proximity of the site to a number of features of archaeological interest, it is considered that the archaeological investigation and recording condition suggested by Norfolk Landscape

Archaeology is necessary and justified to be imposed. The use of this condition will meet the test of Policy CS6 of the Broads Core Strategy.

- 5.5.2 In terms of amenity, it is also justified to impose planning conditions to address hours of working and vehicle movements. Therefore the condition suggested by the highway authority requiring the submission of vehicle movement details onto the site prior to works commencing is reasonable. Such a condition reflects similar requirements imposed in some other parts of the Broads and would meet the requirements of Policy TC6 of the Broads Local Plan. The Broads Society suggest that hours of working should be restricted to Monday to Friday with no weekend working. However elsewhere in the Broads, hours of working have generally included Saturday mornings. In this location, away from residential areas, it would be unreasonable to prevent Saturday morning working as proposed by BESL.

6 Conclusion

- 6.1 The proposal will provide flood defence for Compartments 29 and 30. It is considered that whilst the scheme will have short-term impacts, the benefits of enhanced sustainable flood defence in the longer term outweigh the limited impacts. It is considered that the scheme satisfactorily addresses planning policy considerations and is acceptable, subject to the imposition of a number of conditions (as outlined in Appendix 3).

7 Recommendation

- 7.1 Subject to no substantive representation/comment being raised from the outstanding consultees, this planning application be approved, subject to the following conditions:
- standard time limit condition;
 - permitted development rights removed – non timber piling and timber piling identified to be used for dredging craft mooring;
 - landscaping/planting;
 - temporary footpath closure and signage;
 - archaeological investigation;
 - site access/delivery route;
 - navigation hazard markers;
 - restoration of site compound after use;
 - restoration of working/mitigation measures;
 - hours of working;
 - phasing of works to flood banks;
 - erosion protection to accord with details agreed with Broads Authority; and
 - details of new piling/repair to be agreed.

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 consent under the Land Drainage By-Laws.

8 Reasons for Approval

- 8.1 The application is considered to meet the requirements of the Broads Local Plan and Core Strategy DPD policies, in particular Policy INF5 (Broadland Flood Alleviation Strategy) and would not materially conflict with other policies in the Plan and Strategy. The proposal is considered to represent an appropriate design of development associated with flood defence work in this location.

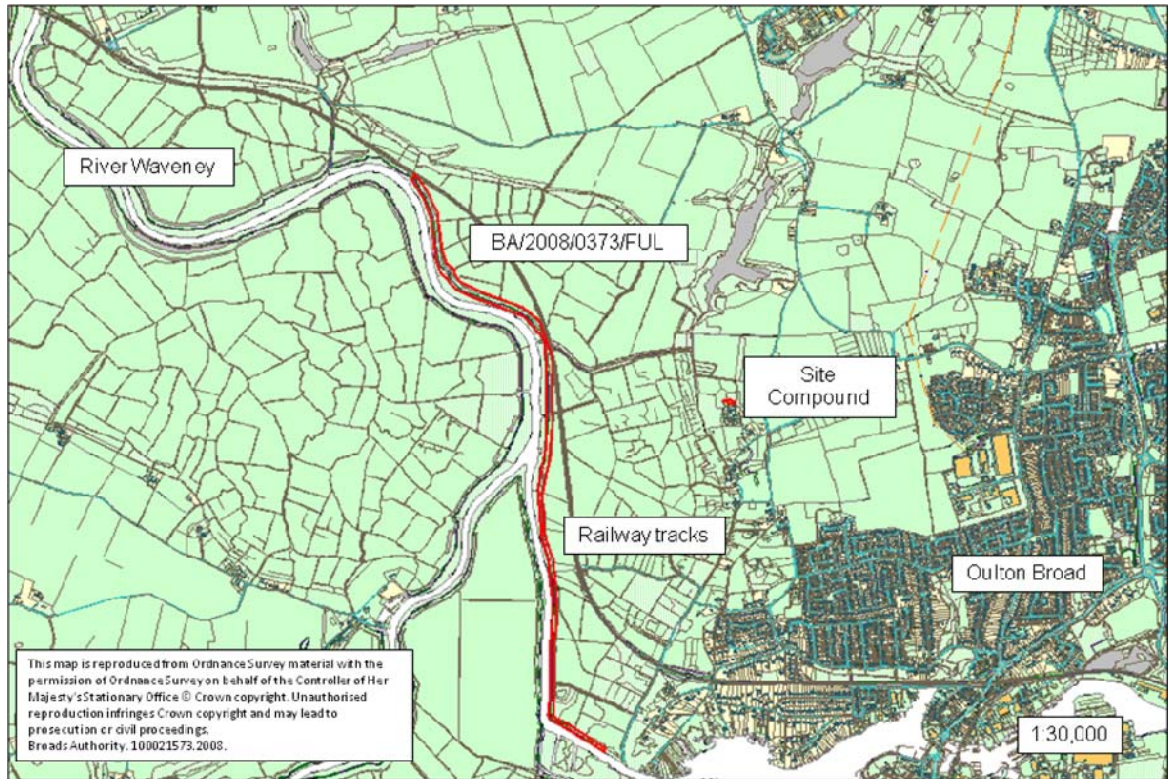
Appendices: Appendix 1: Site Location Plan
 Appendix 2: Environmental Statement
 Appendix 3: Draft Conditions

Background Papers: Application File BA/2008/0373/FUL

Author: Andy Scales
Date: 20 January 2009

APPENDIX 1

BA/2008/0373/FUL - Compartment 29 And 30, Oulton And Blundeston Marshes
Improvement works for strengthening, rollback, setback and excavation of soke dykes (material sourcing) as well as erosion protection works and the erection of a temporary site compound and associated engineering works.



**Compartment 29-30 Right Bank of the River Waveney and Oulton Dyke
Application No: BA/2008/0373/FUL**

Draft Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. All landscaping and restoration shall accord with the approved details unless otherwise agreed in writing with the Local Planning Authority.

All planting/seeding comprised in any approved details of landscaping/restoration shall be completed within the time periods specified in the approved details or within such other period as may be agreed in writing with the Local Planning Authority.

Any planting/seeding within the limits of the scheme which fails within 5 years of the completion of the landscaping/restoration works shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

3. Notwithstanding the provisions of Article 3, Schedule 2, Part 15 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) the removal of any non-timber piling or timber piling identified for mooring of craft associated with dredging disposal in areas of set back, on the application site shall not be allowed without the granting of a further specific permission.
4. No works shall commence on any part of the site where footpaths will be affected until a phased programme for the closure and details of the provision / means of temporary signage have been submitted to and approved in writing by the Local Planning Authority in conjunction with Norfolk County Council. No change to this phased programme shall be permitted without the written consent of the Local Planning Authority.
5. No development shall take place within the whole site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
6. Unless otherwise agreed in writing between the applicant and the Local Planning Authority in consultation with the Highway Authority, the means of access and egress from the development hereby permitted

shall be via the access roads depicted in the Environmental Statement and approved plans. Before any construction plant or materials are delivered to the site, the applicant shall provide a minimum of twenty-eight days notice to the Highway Authority of details of timings and numbers of these traffic movements. Within three months of the completion of works requiring the use of any such accesses, all restoration works shall be carried out in the manner specified in the application unless otherwise agreed in writing with the Local Planning Authority.

7. Within seven days of works that adversely impacts on navigation, temporary channel marking shall be provided indicating the width of the navigable channel and/or the marking of hazards to boats in a manner to be agreed in writing with the Local Planning Authority. No temporary markers shall be removed prior to the completion of the flood defence works to which they relate without the written agreement of the Local Planning Authority.
8. The use of land for a temporary compound linked to the flood defence works in this compartment shall cease within one month of the completion of work in this compartment and the land shall be restored to the previous/agreed condition, unless otherwise agreed in writing with the Local Planning Authority.
9. All works shall cease on site unless the mitigation measures outlined in the Environmental Statement have been implemented in accordance with these details and to the satisfaction of the Local Planning Authority.
10. The hours of working shall be restricted to 07-00 to 18-00 Monday to Friday and 07-00 to 13-00 on Saturday. No working is permitted outside these hours nor on Sundays or Public Holidays unless otherwise agreed in writing with the Local Planning Authority.
11. No works shall commence on site until a programme for the phasing of works, including the timing of floodbank and erosion protection work, has been submitted and approved in writing by the Local Planning Authority. No change to this programme is permitted without the written consent of the Local Planning Authority.
12. No works shall commence on any piling until a detailed specification for new piling and repair work to existing piling, including the height, waling and capping, has been submitted and approved in writing by the Local Planning Authority. No change to this programme is permitted without the written consent of the Local Planning Authority.
13. Notwithstanding the provisions of Article 3, Schedule 2, Part 15 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), during the implementation of this consent, no erosion protection measures shall be

implemented other than those measures specified in this planning application, without the written agreement of the Local Planning Authority.

NOTE: This permission has been granted linked to the attached Memorandum of Understanding signed on 25 April 2003 between the Broads Authority and the Environment Agency.

NOTE: The applicants' attention is drawn to the advice that works close to any floodbank may require consents under the Water Resources Act and Land Drainage by-laws.

The reasons for the above conditions are

- 1 Required to be imposed by Section 91 (as amended) of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of the visual amenities and to ensure a satisfactory appearance and form of development in compliance with policy INF5 of the Broads Local Plan and policy CS4 of the Core Strategy DPD.
3. In order to comply with policies TR2 and INF 5 of the Broads Local Plan and that the Local Planning Authority may retain control over future development that could be detrimental to navigation interests or the character and appearance of the Broads if otherwise allowed by the above mentioned Order
4. To ensure that the impact on access to the network of public rights of way is limited during the flood defence works in compliance with policy TR27 of the Broads Local Plan.
5. To ensure that the archaeological interest of the site is investigated and recorded in accordance with policy INF5 of the Broads Local Plan and CS6 of the Core Strategy DPD.
6. To control the impact of construction traffic and ensure satisfactory restoration works to accord with the aims of policy INF5 of the Broads Local Plan.
7. To ensure that works undertaken do not prove a hazard to navigation in accordance with policies TR2 and INF5 of the Broads Local Plan and policy CS3 of the Core Strategy DPD
8. To ensure that the landscape and wildlife interests are protected to accord with the aims of policy INF5 of the Broads Local Plan.
9. To ensure that the landscape and wildlife interests are protected to accord with the aims of policy INF 5 of the Broads Local Plan and policy CS4 of the Core Strategy DPD.

10. In order to limit impact on the amenities of local residents and visitors to meet the aims of policy INF 5 of the Broads Local Plan.
11. To ensure an orderly approach to works to limit impacts on recreation, navigation and conservation interests to meet the aims of policy INF5 of the Broads Local Plan and policy CS3 of the Core Strategy DPD.
12. To ensure that the works provide flood defences in a manner that will preserve and enhance the use of new piling for mooring in accordance with policy INF 5 of the Broads Local Plan and policy CS3 of the Core Strategy DPD.
13. In order to comply with policies TR2 and INF5 of the Broads Local Plan, policy CS3 of the Core Strategy DPD and that the Local Planning Authority may retain control over future development that could be detrimental to navigation interests or the character and appearance of the Broads if otherwise allowed by the above mentioned Order

Reasons for Approval

The application is considered to meet the requirements of the Broads Local Plan and Core Strategy DPD policies, in particular policies INF 5 (Broadland Flood Alleviation Strategy) of the Broads Local Plan and would not materially conflict with other policies in the Plan or Strategy. The proposal represents an appropriate design of development associated with flood defence work in this location.

Broadland Environmental Services Limited

A Joint Venture Company of
Edmund Nuttall Ltd and Halcrow Group Ltd



Broadland Flood Alleviation Project Compartment 29 and 30 (River Waveney)

Flood alleviation improvements for Oulton and Blundeston Marshes

Environmental Statement Non-Technical Summary

November 2008



Halcrow

Broadland Environmental Services Ltd
Compartments 29 and 30

Flood alleviation improvements for Oulton
and Blundeston Marshes

Environmental Statement
Non-Technical Summary

November 2008

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Contents Amendment Record

Report Number: WNCOUL/ NTS/001

This report has been issued and amended as follows:

Issue	Revision	Description	Date	Signed
1	0	Final	26/11/07	J M Halls

Introduction

Broadland Environmental Services Limited (BESL) is working on behalf of the Environment Agency to carry out a programme of flood defence improvements and maintenance in Broadland. This work forms part of the Broadland Flood Alleviation Project (BFAP), a long-term 20-year programme of sustainable flood defence improvements in the area.

As part of this long-term project and in line with its recently updated Strategy, BESL is proposing flood defence improvements along a 3729m stretch of floodbank between Fisher Row Floodgate at Oulton Broad and Northern Blundeston Sluice along the right (Eastern) bank of Oulton Dyke and the River Waveney. This length covers two distinct BFAP flood compartments – Oulton Marshes (compartment 29) and Blundeston Marshes (compartment 30).

The proposed improvement works need planning permission from the Broads Authority. To comply with planning legislation BESL has prepared an Environmental Statement in order to inform the public and decision-makers of the likely environmental effects of this scheme. This shorter report has been prepared as part of the Environmental Statement as a non-technical summary.

Need for the scheme

The standard of protection provided by floodbanks along the Broadland rivers is continually reducing because of settlement, deterioration over time, insufficient maintenance in the past and sea level rise. The flood defences directly protect Suffolk Wildlife Trust's Oulton Marshes nature reserve as well as the Norwich to Lowestoft railway line, which runs parallel to the river. Furthermore the marshes lie within the Broads Authority Executive area, part of a nationally important landscape that is valuable for wildlife, agriculture, cultural heritage, the local economy and people's recreational enjoyment of the area. The total area of land that will benefit from the works is approximately 270ha.

Public consultation

As part of the planning and design process for these proposed works, BESL carried out a pre-application consultation exercise with key stakeholders, local interest groups and landowners. A consultation document describing the proposals and a questionnaire for gathering responses were distributed in June 2008.

During the consultation a wide range of issues were raised in relation to the proposed scheme. BESL has sought to address these issues automatically, wherever it can do so within the remit to provide sustainable flood defences. The issues raised by the consultation exercise are reported in the Environmental Statement that is submitted with the planning application.

The proposed scheme

The proposed flood defence improvements for Compartment 29 and 30 comprise:

- 2635m of strengthening;
- 655m of setback; and
- 439m of rollback.

In addition there will eventually be a total of 1067m of piling removed where the floodbanks are being either setback or rolled back. Much of this is already in a poor condition and is not suitable for mooring. Piling will be maintained at the 24-hour mooring (54m) and a 10m length installed at compartment 30.

A temporary main site compound (including welfare facilities, e.g. toilets and mess huts within the works corridor) will be located within an existing farmyard at Holly Farm, Camps Heath.

Floodbank **strengthening** is proposed where there is a reasonable existing width of rond (reeded margin) between the river and the floodbank. It involves strengthening the floodbanks along their existing alignment by placing material on the rear slope. It also usually involves raising the level of the crest to allow for historic settlement and future sea level rise. Strengthening creates a wider crest and broader profile, which reduces the likelihood of the banks breaching when high level events overtop them.

Rollback involves moving the line of the floodbank away from the river but without constructing a distinct new bank. It is the preferred solution where the existing rond and/or erosion protection is insufficient to allow for just bank strengthening and where ground conditions or other constraints do not permit full setback.

Setback is generally used where the river edge is already close to the existing floodbank and fronted by steel or timber piling. This solution involves building a new clay floodbank inland from the river edge with the floodbank set back far enough from the existing line of flood defence so that a new rond can be created and vegetation established.

Material for the works will be sourced from the digging of new soke dykes. Due to the narrowness of the current folding (area between the bank and soke dyke) all of the existing soke dykes will have to be in-filled.

The flood defence improvement works are planned to commence in Spring 2009 but the setback sections will not be completed until 2010.

Tree and scrub clearance will be necessary on the line of the floodbank, to allow access for machinery to undertake the works and also to maintain the structural integrity of the floodbank. This will be undertaken during the winter period preceding the works under the Environment Agency's permitted development rights.

Land use and local community

The proposed works will maintain protection of the agricultural land that lies within the compartment. There will be a permanent loss of 3.6ha of grazing marsh due to the need to excavate material from the marshes. The loss of productive agricultural land is regrettable but is small compared to the extent of land that will be afforded greater protection from the impacts of flooding were there to be a major breach. Furthermore, the works are only cost effective if the material is sourced locally from the adjoining marshes. There would also be a significant environmental impact of having to import huge quantities of clay to site via the local road network.

There will be some disruption to farming and other commercial activities close to the works corridor during construction. BESL will provide landowners with appropriate compensation for both temporary and permanent effects. Any land, including access tracks and roads damaged by the construction process, will be returned to their original state upon completion of the works.

During construction there may be some noise disturbance and visual impact to nearby residents and visitors (see below for impacts on informal recreation). This includes a small increase in traffic along the local road network. The contractor will operate a Project Management Plan that contains provisions for minimising disturbance to neighbours and the public through ensuring routes are adequately signed, speed limits are adhered to and public information boards are provided at access routes. The working period will be limited to Monday to Friday (07.00-18.00) and Saturday mornings (07.00-13.00) with no Sunday or Bank Holiday working.

Ecology and nature conservation

The net changes in habitats that will result from implementation of the scheme are listed in the table below.

Habitat	Net change (ha)
Rond	+1.02
Bank	+1.74
Folding	+1.50
Soke dyke	+1.36
Marsh Dyke	-0.21
Grazing	-3.62
Fen & scrub	-1.78

Grazing marsh is a national and local Biodiversity Action Plan priority habitat. As part of targets set by the Department for Environment, Food and Rural Affairs (DEFRA), the Environment Agency must aim

to avoid any overall loss of BAP habitat as a direct result of flood defence works. In terms of the Broadland Project the only means of cost effectively delivering the maintenance and improvement works to the flood banks is to source the material from the marshes. Consequently there will always be a reduction in the area of grazing marsh following the implementation of individual schemes. However, this reduction has to be considered against the fact that the losses are very small compared to the much larger area of grazing marsh, and associated wildlife that will benefit from improved protection afforded by the works.

Nevertheless, the Environment Agency intend to create replacement habitat (e.g. conversion of arable fields) to ensure that overall there will be no net loss of grazing marsh. The improvement of poor quality grazing marsh is also being considered as an option given the limited amount of arable land in the Broads. If there is difficulty with meeting the targets locally then alternative sites will be sought within the Anglian region.

There are no nationally designated sites within the compartments but Sprat's Water and Marshes Site of Special Scientific Interest (SSSI) is located on the opposite side of Oulton Dyke, adjoining Oulton Broad. Part of the site, Whitecast Marshes an area of reedswamp and open water channels, is in direct connection with Dyke and Broad so could be vulnerable to major changes in the current water regime. Hydraulic modelling has been undertaken to examine the effects that the works could have on water levels during high tide and flood events. This has shown that there may be small decreases due to the extra capacity provided by the setback areas.

A number of County Wildlife Sites (CWS) are present in the area, notably Oulton Marshes CWS, which is largely owned and managed by the Suffolk Wildlife Trust. There will be some encroachment into the site due to the need to excavate material and clear scrub to construct the rollback bank. However, there will be no loss of areas of species-rich fen and the works will improve the standard of protection to the CWS.

The main potential impacts on habitats and species are:

- loss of vegetation on the existing floodbank, folding, and within dykes;
- disturbance to breeding birds or destruction of active nests; and
- risk of killing or injuring protected species including water vole, common lizard and grass snake.

These impacts will be avoided or reduced through scheme design and adoption of mitigation measures that have been successfully used on previous schemes e.g. discouraging nesting birds within the working corridor by cutting vegetation before the bird breeding season begins.

The scheme will also incorporate improvements and enhancements to habitats, which will benefit species e.g. the design and construction of new dykes to encourage colonisation by plants and water voles. We will also be working closely with the Suffolk Wildlife Trust to assist with a reedbed creation scheme at Oulton.

Landscape and visual effects

There will be no significant changes in local views or on the overall landscape character. The proposals will result in an increase in the extent of water as a result of dyke excavation. However, open dykes are a feature of this landscape and the colonisation by reed and aquatic plants will soon soften the appearance of them. A wide ledge or 'berm' will be constructed to encourage reed growth, thereby limiting the extent of open water.

The most significant visual intrusion will be during the construction stage when there will be large areas of bare ground and working machinery next to the river. On immediate completion, the impacts will be the views of the bare soil on the floodbanks and the widened soke dykes. Grass on the floodbanks will establish within one growing season to become covered again. The reeds will also have grown in the soke dykes and on the ronds, helping to blend the affected area back into the landscape, which will ultimately benefit from improved long-term protection.

Setback and rollback provide the opportunity to create a natural, vegetated margin along the river edge. This can be regarded as a visual improvement, especially where it is replacing decaying lengths of timber piling.

Scrub and some trees will have to be cleared from sections of bank, notably at Oulton from Fisher Row round to the 24-hour mooring. This area is currently very enclosed on the fen side due to the presence of tall scrub so the clearance will open up the landscape. However, lengths and blocks of scrub beyond the works corridor will not be affected so a backdrop of taller vegetation will remain.

In future the bank will be cut annually in order to prevent scrub from developing. This is necessary in order to maintain the defences and allow easy inspection.

Water environment

A key requirement of the Project is that the pattern of over-topping of floodbanks in the whole system should remain the same as that which existed in 1995 (i.e. the relative height of banks between different compartments should remain the same). A hydraulic model has been developed to examine the effects on flooding patterns and river flows as a result of undertaking improvements so that design levels can be modified as required. It has been used to examine the effects of this scheme together with others already completed in this part of the Waveney valley. The model has looked at scenarios involving major events (those with a 1 in 20 year probability of occurring) as well as more typical high level events (average spring tide highs). The results show that there will be no significant changes to water levels in Oulton Dyke, Oulton Broad or the River Waveney.

The reduced risk of floodbank breach, and provision of an appropriate over-topping regime, will give an improved level of flood defence to the freshwater marshes, fen and flora and fauna found in the dyke network.

Standard pollution prevention methods are used to minimise the risk of an incident occurring that could affect the water environment. If an incident does occur (e.g., fuel spillage) then emergency procedures are in place to deal with and report it.

Archaeology and cultural heritage

There are a large number of sites of archaeological and cultural interest located within the compartments including former mill sites, Flixton Decoy and medieval/post-medieval artefacts.

Three former mill sites are located within the working corridor so there is potential to disturb below ground remains during construction. These locations correspond to areas for strengthening so the sites will remain protected against flooding after the works. An archaeologist will be employed to undertake an inspection of the area once topsoil stripping has been completed so that any uncovered remains can be recorded. Plant operators will be briefed about the need to stop work and report any remains or artefacts that are uncovered in the vicinity of the mills and elsewhere.

In addition to the known features there is the potential for previously unrecorded remains to be uncovered during material sourcing works. An archaeological watching brief will be implemented to record any archaeological features uncovered during the proposed works and minimise the effect of disturbance.

Recreation and navigation

Oulton Dyke and this section of the River Waveney is used extensively by hire boats, private boats and for sailing as it acts as an important link between Oulton Broad and the rest of the Broadland rivers. Some of the piled edge is used for mooring, notably the Broads Authority's 24-hour moorings at the Dutch Tea Gardens.

There will be a temporary closure of the moorings during construction but they will be made available as soon as it is practical to do so. However, pedestrian access to and from the mooring will be restricted throughout the construction period. Although the bank is being rolled back behind the moorings the piling is in good condition and so will be maintained. Some sections of piling used for informal mooring and angling will be retained as part of a proposed partnership project with the Broads Authority and Oulton Parish Council.

There is a permissive footpath along the bank from the 24-hour moorings, which links to the public bridleway that runs along Fisher Row. The proposed works will impact upon some land-based recreational activities, notably walking and angling, due to the need to restrict access whilst the works are undertaken. There is no scope to provide any alternative to the permissive footpath during construction due to poor ground conditions in the fen. However, the completed works will result in a wider, flatter crest for walkers.

The two setback areas provide an opportunity for dredging disposal. The setback on the corner of Oulton Dyke has been designed specifically for that purpose at the request of the Broads Authority.

Fishing is a popular activity with informal angling taking place along the piled sections close to Fisher Row. The George Prior Angling Club leases a section of bank along Oulton Dyke and have established a number of wooden fishing pontoons.

There will be limited access for fishing during the works but people will be able to continue to fish from boats where there is no restriction on mooring. In discussions with representatives from the George Prior Engineering Angling Club it has been agreed that access will be maintained along their existing length (most of which coincides with setback) whilst the old bank remains in place but that longer term alternative provision may have to be made further downstream. If the programme and progress allows then it may be possible to allow access to the angling club platforms at the start of the 2009/2010 season.

Conclusions

Flood defence improvement works comprising a combination of bank strengthening, rollback, setback and installation of erosion protection have been identified as the most appropriate solutions to provide ongoing protection to the land at Oulton and Blundeston Marshes.

Without these works the banks will continue to deteriorate making regular, widespread flooding of the marshes more likely and also threatening the informal recreational activities that are dependant upon the maintenance of flood defences.

The adverse impacts will be confined to the construction period and can be successfully mitigated at the time so that there will be no significant long-term residual effects. Benefits include the protection of agricultural land and notable wildlife habitats together with opportunities to improve informal recreational opportunities.

The implementation of recommended mitigation and monitoring measures through an Environmental Action Plan will minimise any adverse effects and ensure that environmental benefits are delivered.