

Application for Determination

Parish	Ludham Parish Council		
Reference	BA/2014/0347/FUL	Target date	13 January 2015
Location	Compartment 25 13, Buttles Marshes, Off Blind Lane, Ludham		
Proposal	To extend the existing Scrape by excavating some of the lower areas along two edges of the Compartment and to renovate an existing access track to the site.		
Applicant	Broads Authority		
Recommendation	Approve subject to Conditions		
Reason for referral to Committee	Broads Authority Development		

1 Description of Site and Proposals

- 1.1 The site covers an area of approximately 3.6ha and is situated on Buttles Marsh, which is land owned by the Broads Authority. Buttles Marsh is situated on the eastern side of the River Ant between Johnson Street and How Hill.
- 1.2 The site is a self-contained block of ex arable land, on which excavations have occurred in the past few years under the European 'LIFE' funded 'Bittern Two Project', to create fen and water habitats particularly suitable to encourage breeding Bitterns on the site, by providing better feeding areas.
- 1.3 In the ten years since the original scrape was created on this site as part of the Bittern Two Project, BESL have created the new flood bank and soke dyke in the vicinity of this site. This work has meant that the edge of the existing scrape had to be filled in to create the new bund between the soke dyke and the site of this scrape, so reducing the extent of the open water scrape. The proposal is for the excavation of the area around the current open water to extend the area of permanent open water suitable for fish breeding. The area surrounding the water would gradually rise up to the existing high ground. This would give an extended band of tall reed vegetation grading into wet mixed fen.
- 1.4 The scrape to be created will be u-shaped with the deeper excavations down to a depth of -0.75m to -1m, covering an area of 0.34ha, located at the southern end of the scrape, closest to the river. The north-eastern arms of the scrape will be excavated to a depth varying between -0.25m and -0.75m and

will cover an area of 1.09ha. The total volume of material to be excavated as a result of this development would be 2000m³. The excavated material would be used to raise the existing track that extends from Clint Street and Buttle Barn to the site by no more than 0.5m to fill in the deeply rutted stretches.

- 1.5 The machines and personnel necessary to carry out the works will access the site from the A1066 Wroxham to Potter Heigham road via Clint Street to Buttle Barn and then via the existing track to the site. Once on the site the machinery will not leave the site until the works are completed. The machinery to be used will be the Broads Authority's 360 JCB excavator and two tractors and tipping trailers.
- 1.6 The site is situated within Flood Risk Zones 2 and 3 on the Environment Agency's Flood Risk Maps.

2 Site History

- 2.1 None

3 Consultation

Broads Society – No comment

Ludham Parish Council - The Parish Council supports this application.

Environment Agency - We have no objection to the application.

4 Representations

- 4.1 None received.

5 Policies

- 5.1 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. [NPPF](#)

5.2 Core Strategy

[Core Strategy Adopted September 2007 pdf](#)

CS1 Landscape Protection and Enhancement
CS2 Nature Conservation
CS4 Creation of New Resources

5.3 Development Management Document DPD

[DEVELOPMENTPLANDOCUMENT](#)

DP1 Natural Environment
DP2 Landscape and Trees

DP29 Development on Sites with a High Probability of Flooding

- 5.4 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.

5.5 **Core Strategy**

CS20 Development within Flood Risk

6 **Assessment**

- 6.1 In terms of the assessment of this proposal the main issues to be considered include: the principle of the development; ecology; landscape; and floodrisk.
- 6.2 The site comprises of former arable marshland and is currently managed by the Broads Authority as a wildlife area. The proposed development is designed to enhance the wildlife and biodiversity value of this area by improving the existing scrape. The proposed development is therefore considered to be an appropriate use of this site. Policy CS1 of the Core Strategy states that proposals for changes in landuse/ management should ensure opportunities for positive impacts on the value and integrity of nature conservation interest are addressed. Policy DP1 of the Development Management Policies DPD states that, all development should maximise opportunities for restoration and enhancement of natural habitats. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural environment by providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity , including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 115 of the NPPF states that the conservation of wildlife and cultural heritage are important considerations and should be given great weight in National Parks and the Broads. It is therefore considered that the principle of the proposed development is in accordance with relevant Development Plan policy and the relevant paragraphs of the NPPF.
- 6.3 In terms of the specific impact on ecology the objective of this proposal is to create an increased area of open water and to improve the fen habitats already present on the site by deepening and enlarging the existing scrape on this area. The enhancement of the existing scrape on this site will make it suitable for priority fen plants such as Lesser Water Parsnip, Broad-Leaved Pondweed and Reedmace and animal species typical of the Broads area such as Water Vole, fish and birds. It will particularly increase the suitability of the site for Bitterns. Open water is necessary to provide fish breeding areas, essential prey for Bittern. It is accepted that the enlarged and re-contoured scrape will result in an enhancement of the biodiversity and ecological value of this site. Furthermore the use of the excavated material to resurface the track to the site is not considered to

have any adverse ecological effect on the marshland. There is therefore no objection to this proposal in terms of any adverse effect on ecology but it is recommended that any consent that is granted is subject to Conditions which govern what time of year the work is carried out to ensure that there is no disturbance to nesting birds or Water Voles and Reptiles that may be present on the site. It is considered that this development is in accordance with Policy CS1 of the Core Strategy and Policy DP1 of the Development Management Policies DPD as well as the NPPF.

- 6.4 The site, although remote, will be visible from the public footpath that runs along the top of the floodbank, the other side of the new soke dyke, and in the distance from the footpath that runs along Blind Lane to the north. The application states that it is envisaged from previous operations that any bare ground following the works will be colonised within a few months. All the habitats present currently on the Compartment will continue to exist, there will be more open water and transitional fen habitats and the main areas of higher grassland will remain. The spreading of excavated material along the track would slightly raise the surface of the track. However it is envisaged that this material would quickly become vegetated and the track would remain as a grassy track. The visual landscape will therefore remain essentially unchanged, the main feature being a larger area of open water. It is therefore concluded that this scheme will not have a detrimental effect on the landscape of this area will therefore be in accordance with Policies CS1 and CS4 of the Core Strategy and Policy DP2 of the Development Management Policies DPD. It will also be in accordance with Paragraphs 109 and 115 of the NPPF which seek to protect and enhance valued landscapes particularly in National Parks and the Broads.
- 6.5 The site is situated within Flood Risk Zones 2 and 3 of the Environment Agency's Flood Risk Zone Maps. However, this existing marsh area is defended from flooding from the River Ant by the new flood bank installed in the last 10 years by BESL. Therefore this area of marshes does not normally act as a functioning flood plain. Adding excavated material along the access track would raise the land level within the drained area with an additional volume of 1,000m³. The application states that there will be no significant increased flood risk to the surrounding or adjacent area because the River Ant flood defences will not be affected by the works; there will be no net change to the IDB pumping system; and in the extreme event of overtopping of the River Ant there would be a very minor increase in flood level calculated to be 1.28mm. The Environment Agency have no objection to the proposal. It is therefore concluded that this proposal is in full accordance with Policy CS 20 of the Core Strategy, Policy DP29 of the Development Management Policies DPD and Part 10 of the NPPF.

7 Conclusion

- 7.1 It is concluded that this scheme is designed to enhance the ecological and biodiversity value of this area in line with the wider Broads Authority land management and conservation objectives. The adverse effects of the proposed works in terms of any effect on the landscape of the area or

floodrisk are considered to be insignificant. The proposal is therefore considered to be in full accordance with the relevant Core Strategy and Development Management Policies DPD Policies and also with the relevant sections of the NPPF.

8 Recommendation

8.1 It is recommended that this application be granted consent subject to the following Conditions:

1. Standard time limit
2. In accordance with the approved plans
3. Timing for the works outside the bird breeding/nesting season
4. Mowing of the vegetation in the areas to affected by the proposal, including the scrape and trackway should be undertaken in the autumn months. Cut material should be moved away from the area of work

Background papers: Application File BA/2014/0347/FUL

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List of Appendices: APPENDIX 1 - Location Plan

APPENDIX 1

BA/2014/0347/FUL Compartment 25 13 Buttles Marshes, Off Blind Lane, Ludham

