

Application for Determination

Parishes:	Upton
Reference:	BA/2015/0068/FUL Target Date: 22 April 2015
Location:	Compartments 37 - Floodbank at Fishley Marshes: right bank of River Bure immediately upstream of Northern Rivers Sailing Club clubhouse
Proposal:	Installation of crest piling
Applicant:	Environment Agency
Reason for referral:	Major application
Recommendation:	Approve with conditions

1 Background / Description of Site and Proposal

- 1.1 The application site and works extends along a short section of floodbank on the right (western) bank of the River Bure immediately upstream of the Northern Rivers Sailing Clubhouse (see Location Plan).
- 1.2 The site forms part of Compartment 37 which includes a 4.5 kilometre length of floodbank between Acle Dyke and Upton Dyke. As outlined below, planning permission was granted for strengthening; rollback and set back floodbank works in 2008 (with works undertaken in 2009-10).
- 1.3 In this location, the initial flood defence works involved a modest rollback of the floodbank with piling in front to be maintained. The ground conditions were poor and limited space existed to roll back the bank due to the botanically rich fen meadow to the west which only allowed a narrow 3 metre wide soke dyke to be dug to the rear of the floodbank.
- 1.4 Since the works were completed the new floodbank has settled significantly and there is a need to raise the bank to the initially envisaged level to prevent frequent overtopping.
- 1.5 BESL have considered options and concluded in this location (with its limited space), plastic crest piling is the most suitable solution. BESL have highlighted that an area of crest piling was permitted as part of the 2008 consent in this compartment. Whilst some flood defence works represent permitted development for the Environment Agency, crest piling does not

and therefore planning permission is required.

- 1.6 Crest piling is proposed on a 237 metre length of floodbank. This crest piling is proposed to be 0.3 metres above ground level at the front riverside edge of the floodbank. The crest piling with timber capping will be about 0.3 metres above ground height. The crest is some 4 metres wide and the crest piling will be sited to allow 3.5 metres width after installation. The existing piling used for erosion protection will continue to be maintained including repair of some sections of timber boarding (this is permitted development).
- 1.7 The site is located outside any SSSI (the nearest is 1 kilometre to the north west) but the land to the west is a County Wildlife site (CWS). There is a footpath that runs along the floodbank and there will be a need for a temporary closure during the short works period (a diversion route will be provided in this period). The existing piling to be maintained is used for informal mooring. There is no record of heritage features in this area.
- 1.8 Works will only take some four weeks, but BESL have not stated when between April and October 2015 the works will be undertaken. BESL have identified the traffic access route will be from the B1150 South Walsham Road and will pass Fishley Hall.

2 Planning History

- 2.1 The following application for improvement works in compartment 37 is relevant.

BA/2008/0089/FUL Flood defence works comprising of maintenance, strengthening, rollback and set back of flood bank, installation of erosion protection and piling, retention of existing piling, future removal of existing piling and provision of a temporary site compound. Permanent diversion of public footpath to remain on the crest of the new bank. Approved September 2008.

3 Consultations

- 3.1 Upton Parish Council – Awaited.

Broads Society – No objections but suggest condition no work on Sundays or Public Holidays.

NCC Highways – No objection to the proposals insofar as they relate to the chosen access route along the public highway road network. However, over part of 'off road' access route, in the vicinity of St Mary's Church, there is a public right of way and I also note that the works themselves affect a public right of way for which it is proposed to close during the works. As you will be aware the County Council is responsible for ensuring public rights of way are accessible and maintained to level commensurate with their use.

NCC PROW – Awaited.

Environment Agency – Awaited.

Natural England – Awaited.

RSPB – Awaited.

NCC Historic Environment Service – Awaited.

NNDC Environment Health Officer – Awaited.

4 Representations

4.1 No letter has been received to date.

4.2 Members should be aware that given the size and nature of the proposal, there is no requirement to report to Navigation Committee as it will not have any impact on the navigation area or available informal mooring.

5 Planning Policy

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.

Core Strategy (CS) (2007)

[Core Strategy Adopted September 2007 pdf](#)

Policy CS1 – Landscape protection and enhancement

Policy CS2 – Landscape protection and enhancement

Policy CS4 – Creation of new resources

Development Management Plan DPD (DMP) (2011)

[DEVELOPMENTPLANDOCUMENT](#)

Policy DP1 – Natural environment

5.2 The policies below have also been assessed for consistency with the NPPF and have been 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.

Development Management Plan DPD (DMP) (2011)

Policy DP13 – Bank protection

Policy DP29 – Development on Sites with High Probability of Flooding

5.3 Material Planning Consideration

National Planning Policy Framework (NPPF) (2012)

[NPPF](#)

6 Assessment

- 6.1 The works proposed are modest in scale and will have no affect on the existing navigation and water space. Therefore it is considered that the main issues relate to impact on recreation, flood risk, ecological interest, and appearance.

Recreation

- 6.2 The 2008 planning consent in this area showed piling to be maintained. This existing piling is used for informal mooring. No change is proposed to this piling and this will continue to be maintained. Therefore the proposal will have no impact on navigation interest or increase risk of erosion of the existing bank.
- 6.3 In relation to walking and access, it is considered regrettable that there will need to be a short term closure whilst crest piling is installed (targeted in a four week period). However BESL have confirmed that this will be diversion route signed for the short period for walkers.
- 6.4 In view of the above, the impact on recreation / navigation interests will be limited and the benefit of the crest piling as part of a sustainable flood defence strategy outweighs any short term impact on walking. Therefore it is considered that the proposal is consistent with development plan policies.

Flood risk

- 6.5 The planning consent granted in 2008 was on the basis of flood defences being provided in a more sustainable way (introducing set and roll back floodbanks reducing in many areas the need for hard engineered erosion protection in the form of piling) and ensuring no increase in flood risk (either in the compartment, nor up or down stream).
- 6.6 The crest piling proposed will simply raise the defences to the level sought in the 2008 consent. Whilst the views of the Environment Agency is awaited , the proposal will not materially alter the flood defence scheme approved or the water levels and therefore will not increase in flood risk in this compartment or up or down stream. Therefore there is no conflict with development plan policies CS4 and DP29 or the thrust of NPPF advice.

Ecology

- 6.7 The nature and extent of works is very limited in comparison to the initial flood defence floodbank works. The proposed works of crest piling have

been determined based on the ecological value of the area (a CWS but detached from a SSSI) and the need to limit change in the botanically rich fen meadow to the west. The conventional approach of widening the soke dyke to provide material to raise the defences would have required some land take from the botanically rich area, harming the ecological value. Whilst the view of Natural England is awaited, on the 2008 application they raised no significant comment as the proposal did not have a significant effect on the interest features of any nearby SSSIs. It is considered that these same considerations apply with this application. In this case, it is considered that works are sympathetic to ecological interest and are consistent with the aims of development plan policies CS1, CS2, CS4 and DP1.

Appearance

- 6.8 The proposed approach will alter the appearance by introducing crest piling into a short section of floodbank. In this case, the plastic crest piling is proposed to be timber capped and will reflect similar crest piling provided in the compartment as part of the 2008 permission (some 436 metres).
- 6.9 Experience of other crest piled areas (including in compartment 37) demonstrates that this has a very limited impact on the appearance of the area (especially when timber capped and that vegetation / grass close by soon helps to further limit its appearance in the landscape. Based on these factors, it is considered that the scheme is acceptable and consistent with the aims of Core Strategy policy CS4 (and the NPPF).

Other issues

- 6.10 The application submission shows a single route to the site from the B1150. The County Highway Authority view is awaited but given the limited period for use and limited alternative options to approach the works corridor, it is considered that the proposal is acceptable on highway grounds.
- 6.11 The site is detached from any dwellings and no planning condition is considered necessary and justify to restrict hours of working
- 6.12 Whilst the view of NCC Historic Environment Service is awaited, as only crest piling is proposed and this is onto a new floodbank, there is no significant risk of harm to archaeological interest in this case.

7 Conclusion

- 7.1 The application proposes crest piling where bank settlement has taken place. It is considered that this will return defences to the level proposed in 2008 in a manner that avoids botanically rich fen meadow and has no unacceptable impact on recreation, flood risk or other interests. It is considered that with the imposition of planning conditions the proposal would meet the key tests of development plan policy and would be consistent with NPPF advice.

8 Recommendation

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

- Approved list of plans;
- Signage for temporary footpath diversion;
- Timing of works to be agreed.

8.2 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.

Background Papers: BA/2015/0068/FUL

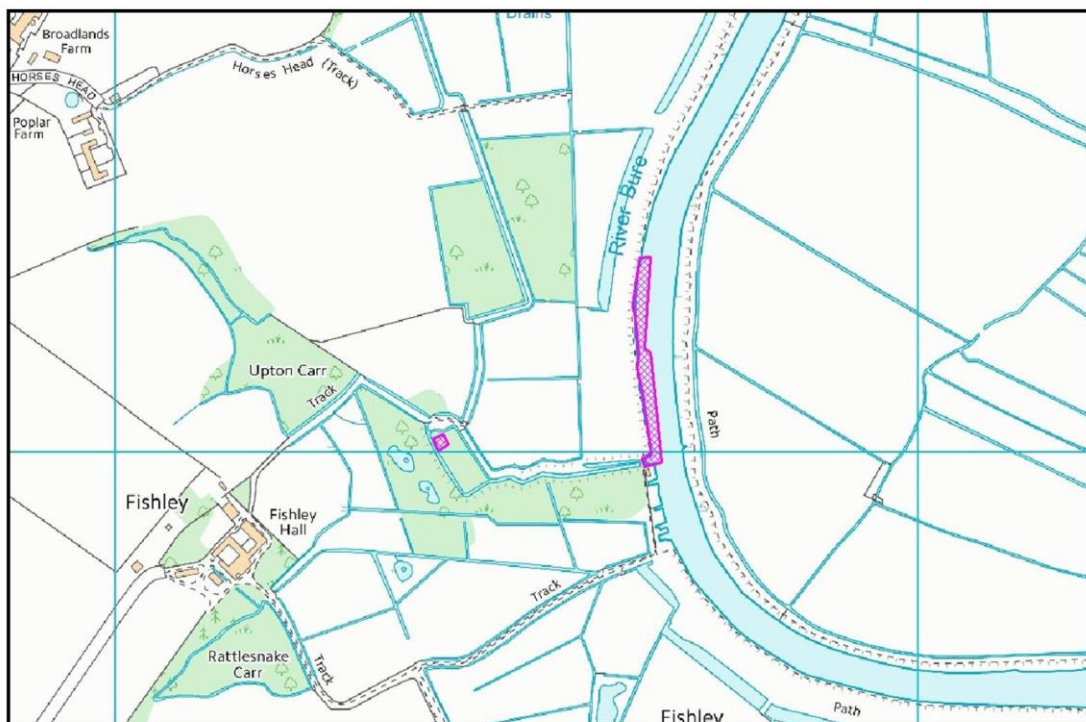
Author: Andy Scales
Date: 13 March 2015

Appendices: APPENDIX 1 - Location Plan

APPENDIX 1

BA/2015/0068/FUL - Floodbank At Fishley Marshes, Right Bank Of The River Bure

Install piles into the crest of the existing floodbank in order to raise the height to the necessary level to provide an adequate flood defence



© Crown copyright and database rights 2015. Ordnance Survey 100021573. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.