

Application for Determination

Parishes: Ludham

Reference: BA/2014/0423/FUL Target Date: 30 March 2015

Location: Compartments 5 And 6 – Sections of Womack Water, right bank of the River Thurne and left bank of Rivers Bure and Ant

Proposal: Crest Raising and Pile Removal

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 various sections of floodbank on the left (eastern) bank of the Rivers Ant and Bure, the right (western) bank of the River Thurne and both sides of Womack Water. All works, except a small 40 metre long section on the east side of Womack Water, fall within compartment 5.
- 1.2 In February 2005, planning permission was granted for flood defence works in compartment 5. The 2005 approval was for a mix of strengthening and set back of floodbanks. The permission proposed areas of pile removal following the completion of new floodbanks (as the piling would no longer be required for flood defence purposes). A planning condition was imposed on the permission requiring the submission of a separate planning application to allow removal. The purpose of the condition was to retain control over future development that could be detrimental to navigation interests (especially as a result of erosion) and the character and appearance of the Broads. The works to construct new floodbanks in compartment 5 was completed in 2006 and 2007 and planning permission was granted in 2008 for some of the pile removal proposed. At that time there remained some uncertainty regarding whether some areas of piling would be maintained by landowners. The areas now proposed for removal are not to be maintained by the landowner and are not required for erosion protection purposes.
- 1.3 In February 2010, planning permission was granted for works in compartment 6, including the section on the east side of Womack Water. The consent imposed similar planning conditions to those in compartment 5

which require a further permission before pile removal.

- 1.4 The application has two elements; crest raising and pile removal.
- 1.5 Crest raising works are proposed at a number of sections in compartment 5. These include
- River Ant (at Little Reedham);
 - *River Bure (behind 24 hour moorings at St Benets Abbey);*
 - River Thurne (upstream of St Benets Abbey);
 - *Womack Water (southern bank).*
- (NB. Crest raising on River Bure and Womack Water constitutes maintenance works and is permitted development for the Environment Agency.)*
- 1.6 This application proposes 927 metres of pile removal in four areas (three in the Compartment 5 and one in Compartment 6).
- 71 metres – East bank of River Ant, north of Ludham
 - 343 metres – West bank of River Thurne
 - 473 metres – West bank of Womack Water
 - 40 metres – East bank of Womack Water
- 1.7 In respect to pile removal, the application proposes the following approach (similar to the technique adopted elsewhere)
- The original floodbank will be re-graded (to create of a lower 'cadge bank' to promote reed growth)
 - A triangular wedge of material from behind the original pile will be removed
 - The piles will be removed
 - Temporary channel markers will be installed
- 1.8 BESL recognise that some erosion can take place at the river edge following pile removal. Previous experience, including in the Rivers Ant and Bure, has suggested that this has been limited. However as it is not possible to predict accurately what erosion rates may be at a particular location, BESL propose monitoring techniques to measure the extent of erosion. The monitoring is linked to trigger points which identify when action will need to be taken due to significant erosion (generally based on the established 'protocol' which has been agreed as suitable to monitor erosion associated with earlier pile removal consents).

Time (after removal)	Photographic	Vegetation	Hydrographic
Year 1	Months 0, 3, 6, 9, 12	Annually	Months 0, 6, 12
Year 2	Months 6, 12	Annually	Months 6, 12

Year 3	Months 6, 12	Annually	Annually
Year 4 on	Annually*	-	Annually

* as part of the annual condition surveys

- 1.9 Only one small portion of the application site falls adjacent to the edge of a designated site (the section of 40 metres where pile removal is proposed on the east side of Womack Water). This falls just outside the Ludham – Potter Heigham Marshes SSSI. The remainder of the application site is more distant from a designated site (although the corridors where some works are proposed are close to the Ant Broads and Marshes SSSI and Shallam Dyke Marshes, Thurne SSSI). There is limited heritage interest and archaeological features close to where works are proposed.
- 1.10 There are various existing mooring opportunities including 24 hour Broads Authority moorings at Womack Water, St Benets Abbey and close to Ludham Bridge. There is also a Parish Staithe at Ludham plus limited areas of long and short term private mooring in compartment 5. The proposal will have no impact on any public moorings.
- 1.11 Only a small section of the works corridor forms a public right of way. However permissive paths allow access to many areas of floodbank and these are used by anglers who fish various sections, notably along the River Thurne at Coldharbour Farm and on the River Bure at St Benets Abbey. Fishing is also popular up and downstream from Ludham Bridge. During the works period there will be a need to restrict access to floodbanks.
- 1.12 The application initially proposed using a number of construction traffic routes including Turf Fen Lane, Cold Harbour Road and Horsefen Road. However following further consideration, BESL no longer propose to use Turf Fen Lane (and site traffic will instead use Clint Street).
- 1.13 Piling removal is programmed (subject to planning permission) to be completed by the end of February 2016 working predominantly outside the main boating season and at a time when footpaths are used less intensively. Crest raising will take place from April to October but outside school holidays. Any weekend working is proposed to be limited to Saturdays (in the period November to February).
- 1.14 In each area, the duration of works is limited between two and eight weeks.

2 Planning History

- 2.1 The following applications for initial works in compartments 5 and 6 are considered particularly relevant:

97/2004/1936/FUL Flood defence improvement works, comprising set back and strengthening of flood bank, soke dyke excavation, temporary site compounds and access. Approved February 2005.

BA/2010/0084/FUL Flood defence improvements to embankments including on line strengthening of floodbanks and excavation of soke dykes with temporary site compounds and associated works. Approved February 2010.

- 2.2 In addition, consent has been granted for pile removal in Compartment 5:

BA/2008/0283/FUL Removal of redundant piling with channel markers installed along the line of the removed piles. Approved November 2008.

3 Consultations

- 3.1 Ludham Parish Council – Supports application.

Thurne Parish Council – No comment.

Horning Parish Council – Supports application.

Broads Society – No objection but would suggest conditions that require marking buoys are maintained until there is good growth of vegetation and that there is no work on the scheme on Sundays or Public Holidays.

NCC Highways – Awaited.

NCC PROW – Awaited.

Environment Agency – No objection to the proposal. We have no flood risk objections to the proposed works of crest raising and pile removal. The crest raising is to locally top up areas that have sunk, back to the original levels specified in the original planning applications. Therefore the flood risk will not be altered compared to that which was previously modelled and agreed. With respect to fisheries & biodiversity, the proposal includes suitable mitigation measures for the presence of water voles and other protected species.

Natural England – Awaited.

RSPB – Awaited.

NCC Historic Environment Service – The proposed works are located in areas where heritage assets including drainage mills and a former farm have previously been recorded. There is also potential that previously unrecorded archaeological deposits will be present in the area of the proposed works. The works include widening the existing soke/marsh dyke adjacent to the River Thurne. There is potential that the significance of any heritage assets with archaeological interest (buried archaeological remains) present within the area of the proposed works may be affected. Therefore if planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework and suggest that the following conditions are imposed:

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

and

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

and

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

In this instance the programme of archaeological work will comprise the monitoring of groundworks for the development under archaeological supervision and control for which a brief will be issued by Norfolk Historic Environment Service.

NNDC Environment Health Officer – Awaited.

NSBA – No objections to the proposed development subject to the following:

1. It is essential for the safety of craft that, where a section of piling is removed, all the piling is removed. There should be a condition to this effect attached to any planning permission.
2. To minimise the impact on those navigating in the area, there should be a condition attached to any planning permission to the effect that the work should be done during the period November to March inclusive, and not on weekends and Public Holidays during that period.
3. We are concerned about the effectiveness of the proposed cone channel markers. There is as much as 1'0" rise and fall in the stretches of water in question. Our concern is the risk that, with too much scope, at low water the markers will change their position depending on the wind and tide. It is essential that each cone is linked to a particularly heavy sinker by the shortest possible attachment. There should be a condition to this effect attached to any planning permission. We would be totally opposed to the use of posts as channel markers in lieu of cones.

Norwich and District Angling Association: Awaited.

4 Representations

4.1 One letter received from resident of Broadfen, Turf Fen Lane highlighting:

- Turf Fen Lane is nearly half a mile in length, has poor visibility and totally unsuitable for construction traffic as the lane has only nominally 8 feet width at narrowest point with banks either side;
- Existing barn is close to lane and has been previously damaged by vehicle movements and increased use is likely to lead to further damage;
- Road suffers from mud and standing water and further traffic will make it even more unsuitable for pedestrian use;
- At western end, at end of metalled road, is a pleasant footpath (a public right of way which already suffers from unauthorised vehicle use). It is unsuitable for construction traffic and when original soke dyke work carried out, no access was allowed on Turf Fen Lane (although this was sometimes ignored by contractors or EA and no reinstatement of footpath was properly carried out);
- As crest works are necessary after such a short time indicates a degree of irresponsibility in use of public money.

4.2 The Navigation Committee is to consider the application at their meeting on 26 February 2014. The officer report concludes

'The proposals therefore present officers with no concerns provided that appropriate conditions are placed on any planning permission granted requiring adherence to standard methodology, timing of works, channel marking and removal of channel marking, and erosion monitoring.'

4.3 Members will be updated verbally at this meeting of the view of the Navigation Committee.

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 CS3 - Navigation

Policy CS4 – Creation of new resources

Policy CS15 – Water space management

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 mainly require planning permission (although some crest raising represents permitted development for the Environment Agency). In relation to those parts of the works that require specific planning permission, based on scheme design, site context, planning policy and comment received, it is considered that the following are particularly relevant issues.

Navigation and Recreation

- 6.2 Planning application 2004/1936/FUL showed pile removal as part of the proposal. This permission granted in 2005 included a planning condition to control the timing of pile removal by requiring a separate permission (so as to retain control of works that could otherwise be detrimental to navigation interest and the character and appearance of the area).
- 6.3 The current piling is no longer required for erosion protection purposes and its removal is part of the strategy to deliver flood defences in a more sustainable manner. Some piling was removed in 2008 and this application represents the second phase of pile removal. As this piling is no longer required for erosion protection purposes, is deteriorating in condition and is not to be maintained by the landowner, its removal will be a navigation benefit (subject to the provision of navigation / channel markers).
- 6.4 The importance of channel marking has been highlighted by the Broads Society and the NSBA. The latter consultee expressed some concern regarding the suitability of cone markers. However BESL have used cone

markers successfully on the Rivers Bure and Ant (including compartments 1, 2, 3, 5 and 9). They install cone markers in such a way as to minimise any 'drift' at low water and their location / frequency will be agreed with Broads Officers. Therefore based on this approach, it is considered that the navigation markers proposed are appropriate. It is considered that their provision should be secured by planning condition (in a manner to ensure they are retained until adequate vegetation is established).

- 6.5 Also in relation to navigation and recreation considerations, the NSBA have highlighted the importance of imposing a planning condition that piling identified for removal should be removed in full. BESL have confirmed that all piling is to be removed (not cut, driven into the bed or only partly removed).
- 6.6 In relation to the piling used as Broads 24 hour mooring (and the Parish Staithe areas) in compartment 5, these areas will be unaffected and will remain available for use throughout the period of works.
- 6.7 In relation to walking and access, it is considered regrettable that some restriction will need to be put in place during crest raising. However BESL have confirmed that this will be for a limited period and signage will be provided for walkers. However the short term access restrictions will be outweighed by the long term benefit of the sustainable flood defence proposed.
- 6.8 The works of crest raising and pile removal are programmed to be completed by February 2016. The NSBA suggest that works should be restricted to the period of November to March. BESL acknowledge that undertaking pile removal works between November and March is the quietest period for people using the river and floodbanks. In addition, to limit impact on angling it is also important to avoid key angling period (June to October inclusive). However they highlight that it would be beneficial to undertake the following works outside this period
- River Ant upstream of Ludham Bridge – A short section for removal will take 2 to 3 weeks to complete and the landowner here is concerned that people will continue to moor here despite the presence of "No Mooring" signs. Removing the piles in March-April would allow immediate growth of reed at the optimum growing time; and
 - River Thurne at Coldharbour Farm - In addition to piling removal there is a need to raise the crest of the new setback bank. The material that will be excavated as part of the piling removal process will be used for the crest raising. The best time for this activity is in spring and early summer when ground conditions are improving and vegetation will rapidly establish once the crest raising is complete. This is also one of the most popular lengths of river for both pleasure and match fishing. Although the heaviest use is from the start of the fishing season in mid-June through to October it is regularly fished from November to mid-March. In order to minimise disruption to anglers it would be

preferable if the piling removal could be undertaken from after Easter through to the end of May during the closed season. This would allow most of the area to be available for the whole fishing season.

- 6.9 Based on the above, it is considered that this timetable for working is appropriate to limit impact in each area and it would be appropriate to impose a planning condition to confirm the timing (submission and written agreement of this) prior to works commencing.
- 6.10 It is recognised that pile removal may increase risk of erosion and siltation. However it is considered that the monitoring techniques proposed in this application and established in other part of the Broads (outlined in paragraph 1.8) provide sufficient safeguards to ensure that in the unlikely even of any significant erosion, the applicant will ensure necessary remediation works take place. This would provide a key safeguard previously required in similar pile removal applications.
- 6.11 In view of the above, the impact on navigation, walking, angling or any other recreation interests will be limited and the benefit of pile removal and crest raising outweighs any short term impacts. Therefore it is considered that the proposal is consistent with development plan policies CS3, CS15 and DP13.

Flood risk

- 6.12 The planning consents granted in 2005 and 2010 were on the basis of flood defences being provided in a more sustainable way (introducing set back floodbanks reducing 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).
- 6.13 Crest raising is proposed to ensure that the standard of defences is maintained at the necessary level. No objection has been raised (including from the Environment Agency) to either pile removal or crest raising and these works will not result in any increase in flood risk as it does not materially alter the flood defence scheme approved. Therefore there is no conflict with development plan policies CS4 and DP29 or the thrust of NPPF advice.

Ecology

- 6.14 The nature and extent of works is very limited in comparison to the initial flood defence floodbank works and previous pile removal. Whilst the view of Natural England is awaited, on the earlier pile removal application in compartment 5 they raised no comment as the proposal would not have a significant effect on the interest features of any nearby SSSIs. It is considered that these same considerations apply with this application. Therefore it is considered that works will not impact unacceptably on ecological interest and are consistent with the aims of development plan policies CS1, CS2, CS4 and DP1.

Highway Access

- 6.15 The application submission shows a number of routes to be used for construction traffic which reflects the dispersed nature of works in the compartment. Whilst some routes are relatively narrow and the County Highway Authority view is awaited, many routes have previously been used by BESL to access works..
- 6.16 With respect to Turf Fen Road (Lane), this is a particularly narrow route and a local resident has highlighted it is not suitable for any significant increase in traffic. Whilst BESL initially indicated the use of this route to access Little Reedham crest raising, they have reviewed its suitability and confirmed that construction traffic will now access the crest raising works in this section using Clint Street (which access existing working farms). It is considered that this change addresses the key concerns raised in section 4.2.
- 6.17 For all proposed routes, it is recognised that construction traffic routes will need to be surveyed prior to construction traffic use and any damage caused as a consequence of construction traffic activity will need to be remedied by BESL. Therefore subject to this, and other planning conditions recommended by the County Highway Authority, the scheme is considered acceptable on highway grounds.

Appearance

- 6.18 The proposed approach to pile removal will ensure that the re-profiled bank will provide a more natural appearance in the Broads landscape, consistent with the aims of Core Strategy policy CS4 (and the NPPF). The crest raising can result in a somewhat stark appearance immediately after works are complete. However experience suggests that re-vegetation takes place quickly to provide a natural appearance to the floodbank which will conserve the landscape and scenic beauty of the Broads and be consistent with the thrust of development plan policy.

Residential Amenity

- 6.19 It is noted that the Broads Society is recommending an hours of working condition. Given the proximity of residential properties close to most of the works area, it is considered that this is justified and necessary, preventing working on Sundays and Public Holidays.

Heritage Considerations

- 6.20 It is recognised that there is limited heritage interest in the works corridor. However to protect this including any unrecorded archaeological deposits, it is considered justified and necessary to impose a planning condition to identify archaeological interest as suggested by the Norfolk Historic Environment Service.

7 Conclusion

- 7.1 The application proposes crest raising where bank settlement has taken place and pile removal which follows the establishment and consolidation of floodbanks. The piling to be removed is no longer required for flood defence purposes. The pile removal will not increase flood risk in the compartments or elsewhere in the area. It is considered that with the imposition of planning conditions, navigation, recreation, ecological, and other interests can be protected and 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.

- (i) Approved list of plans;
- (ii) Erosion protection monitoring;
- (iii) Navigation hazard / channel markers;
- (iv) Construction traffic routes;
- (v) Hours of working;
- (vi) Timing of works;
- (vii) Wheel washing;
- (viii) Archaeological investigation;
- (ix) Remove all piles in full;
- (x) Construction route traffic damage remediation.

- 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/2014/0423/FUL

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Date: 18 February 2015

Appendices: None