

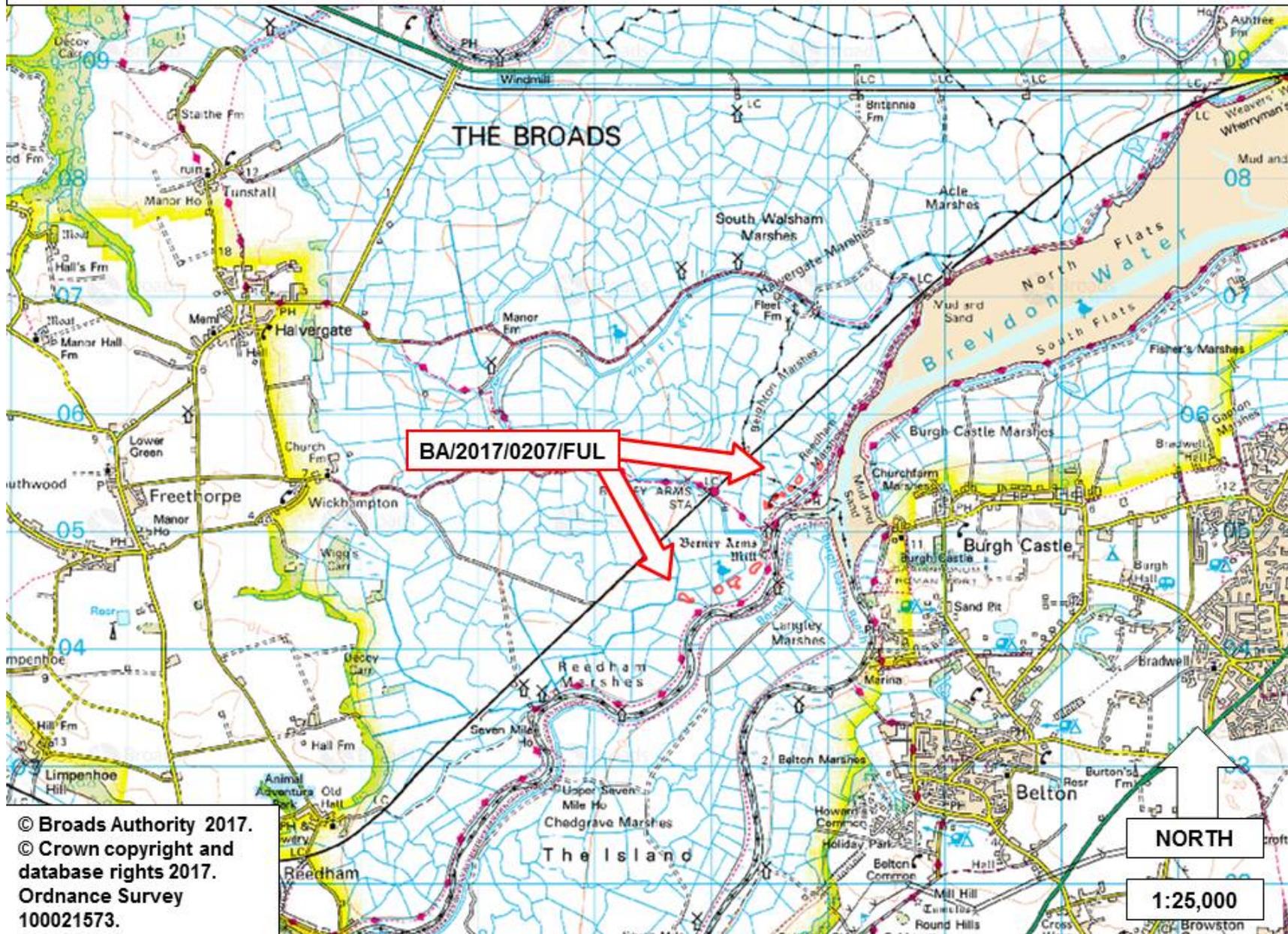
Reference:

BA/2017/0207/FUL

Location

Land at the Marshes, The Marshes, Reedham

BA/2017/0207/FUL - Land At The Marshes, Reedham



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Ordnance Survey
100021573.

NORTH

1:25,000

Application for Determination

Reference:	BA/2017/0207/FUL Target Date: 25 September 2017
Parish:	Reedham Parish Council
Location:	Land at the Marshes, The Marshes, Reedham
Proposal:	Creation of 10 scrapes
Applicant:	Environment Agency
Recommendation:	Approve subject to Conditions
Reason for referral to Committee:	Major Application

1 Description of Site and Proposals

- 1.1 The site subject of this application is situated on Reedham Marshes on the western bank of the River Yare, close to its confluence with the River Waveney and at the southern end of Breydon Water. The site is in close proximity to The Berney Arms pub, the Berney Arms Drainage Mill and Ashtree Farm.
- 1.2 The site covers an area of approximately 4.9ha and is currently an area of marshland owned and managed by the RSPB as part of the Berney Marshes Nature Reserve. It is grazed by cattle during the spring to autumn period but the land is also used by birds for roosting, feeding and nesting. The land is gently undulating.
- 1.3 The site is situated within Flood Risk Zone 3 as shown on the Environment Agency's Flood Risk Maps.
- 1.4 The site falls within the Halvergate Marshes SSSI and also forms part of the Breydon Water SPA and Breydon Water Ramsar sites.
- 1.5 The site is situated in the Halvergate Marshes Conservation Area.
- 1.6 The Wherrymans Way runs along the western bank of the River Yare and the Weavers Way runs from the Berney Arms Drainage Mill across the RSPB Reserve towards Halvergate.

- 1.7 The Environment Agency is intending to undertake flood defence improvement works along the left bank of the River Yare between Seven Mile House and the Berney Arms pub consisting of the strengthening and crest raising of the floodbank. These works are to be undertaken under the Environment Agency's Permitted Development Rights. In order to win the material required for these flood defence works it is proposed to excavate a series of scrapes within the RSPB Reserve. It is the creation of these scrapes for which planning permission is sought.
- 1.8 It is proposed to excavate 10 scrapes arranged in a linear pattern running parallel to the flood bank along the River Yare. The scrapes have been designed to match the contours of the land. The scrapes would range in size from 31m maximum by 51m maximum, for the smallest one, to 142m maximum by 123m for the largest one. The scrapes would be irregular in shape and have a general depth of approximately 0.95m. A total volume of 15,110m³ of material would be excavated from the ten scrapes.
- 1.9 The scrapes have been designed in full consultation with the RSPB who wish to increase the numbers of breeding and wintering wetland birds at the Reserve as well as giving opportunities to provide much improved viewing conditions of these species for visitors to the Reserve. The intention is to develop more bare wet mud on the site as this acts as a perfect habitat for aquatic invertebrates that then provide a rich feeding resource for wading birds, particularly chicks. The scrapes would be shallow areas of water (approximately 40cm deep) interspersed with islands of land left at existing ground height in the winter, and left to dry out in the summer so they can be grazed. It is not intended to put the topsoil back on the scrape once the required material has been removed but to place old straw in the bottom of the scrape to encourage the growth of ruderal species which would optimise the feeding opportunities for the waterfowl.
- 1.10 A series of temporary culverted crossings would be installed across marsh and soke dykes so that the excavated material can be transferred to the base of the flood bank. Excavators and tracked dumpers would be used on the marshes and on the banks.

2 Site History

- 2.1 There is no planning history affecting the subject land.

3 Consultations

3.1 Environment Agency

No objection.

The Local Planning Authority will need to be satisfied that the development is safe.

3.2 Natural England

No objection.

3.3 **Historic Environment Officer**
No objection.
Archaeological mitigation required.

4. **Representations**

4.1 None have been 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](#)

5.1.1 Core Strategy
[Core Strategy Adopted September 2007 pdf](#)

CS1 Landscape Protection and Enhancement
CS2 Landscape Protection and Enhancement
CS4 Creation of New Resources
CS6 Historic and Cultural Environments

5.1.2 Development Management Policies DPD
[Development-Management-DPD2011](#)

DP1 Natural Environment
DP2 Landscape and Trees
DP29 Development on Sites with a High Probability of Flooding

5.2. 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.

5.2.1 Core Strategy
CS20 Rural Sustainability

5.2.2 Development Management Policies DPD
DP5 Historic Environment

5.3 **Neighbourhood Plans**

5.3.1 There is no Neighbourhood Plan that affects this site.

6 **Assessment**

- 6.1 In terms of the assessment of this application the main issues to be considered are the principle of the development, ecological/biodiversity impact, landscape impact, archaeology and flood risk.
- 6.2 In terms of the principle of the development, the scheme is driven by the need to strengthen and raise the crest of the flood bank that runs along the western bank of the River Yare. The creation of these scrapes, close to the bank itself, would provide the material required, with minimum disturbance, avoiding the need for the material to be transported long distances. However, rather than just extracting the material required the scheme has been designed to maximise the biodiversity benefit that could be derived from these earthworks. As well as improving the structural integrity of the flood bank this scheme would help to deliver the RSPB's conservation management objectives for the marshes. It is therefore considered that the principle of this development is acceptable.
- 6.3 Considering ecology, Policy DP1 of the Development Management Policies DPD states that all development should: protect biodiversity value and minimise the fragmentation of habitats; maximise opportunities for restoration and enhancement of natural habitats; and incorporate beneficial biodiversity and geological conservation features where appropriate.
- 6.4 The creation of the scrapes rather than the widening of the existing dykes on the site would have a major positive impact on water voles in the short term by avoiding disturbance to their habitat. A 5m exclusion zone would be set up to ensure that potential water vole habitat is not directly or indirectly affected by working plant.
- 6.5 In the breeding season the scrape islands would provide ideal nesting sites for avocet, with the adjacent shallow flooding likely to be good feeding habitat for lapwing, redshank and avocet adults and young. During migration periods there would be excellent prospects for attracting passage waders such as dunlin, ringed plover and greenshanks to the scrapes, especially at high tide on the nearby Burgh Castle mudflats and western sections of Breydon Water. From late autumn to early spring internationally important numbers of wildfowl occur at the Reserve, featuring species such as wigeon, teal, shoveler, black-tailed godwit and curlew, and the scrapes proposed would provide an ideal habitat for these birds. It is therefore acknowledged and accepted that this scheme would result in an overall biodiversity enhancement of this area in accordance with the requirements of the Policy DP1 of the Development Management Policies DPD.
- 6.6 The site falls within the Halvergate Marshes SSSI and also forms part of the Breydon Water SPA and Breydon Water Ramsar sites. However Natural England have confirmed that if the development is carried out as submitted that it would not have a significant effect on the interest features for which the Broadland SPA and Ramsar, the Broads SAC and Breydon Water SPA and Ramsar sites have been designated. Furthermore the

development would not damage or destroy the interest features for which the Halvergate Marshes and Breydon Water SSSI's have been notified. The scheme is therefore considered to be in full accordance with Policy CS2 of the Core Strategy and Policy DP1 of the Development Management Policies DPD.

- 6.7 Policies CS1 of the Core Strategy and Policy DP2 of the Development Management Policies DPD seek to ensure that any development proposed would not have an adverse effect on the landscape in the area of the site. In terms of visual changes and landscape character, there would be some degree of change due to the increase of bare earth, diversified vegetation associated with the scrapes and an increased presence of shallow water. These changes however are necessary to achieve objectives guided by the RSPB requirements and tie into the management of the RSPB site. The railway line and public footpath are the two main features from where the scrapes would be most visible, however the impact is considered low due to the proximity and intervening screening. The extent to which these changes would be observed would therefore be limited and within the context of the existing landscape, within which the appearance of the scrapes would not be uncharacteristic. It is therefore concluded that this proposal is in accordance with the requirements of both Policy CS1 of the Core Strategy and DP2 of the Development Management Policies DPD and paragraph 115 of the NPPF.
- 6.8 In terms of any impact on any historic value of the site and its surroundings, the proposed earthworks would be in close proximity to the Berney Arms Drainage Mill, which is a Scheduled Ancient Monument. The Applicant has confirmed that they are in contact with Historic England regarding any Scheduled Monument Consent that may be required for the works.
- 6.9 It is the case that the site is located within an area of archaeological interest. The Historic Environment Officer at Norfolk County Council is satisfied that the proposed works are unlikely to damage any historical features. However heritage assets with archaeological interest (buried archaeological remains) may be present at the site. Therefore a programme of archaeological mitigatory work will be required. This can be covered by planning conditions. On this basis this planning application is considered to be in accordance with Policy CS5 of the Core Strategy and DP5 of the Development Management Policies DPD and the NPPF.
- 6.10 The site is located within Flood Risk Zone 3 of the Environment Agency Flood Risk Maps. The application has therefore been accompanied by a Flood Risk Assessment which shows that the development would be safe for its lifetime. The Environment Agency has confirmed that the development would not increase flooding elsewhere as the excavated material is being removed from the site and used to construct new flood defences. It is therefore concluded that this application is in full accordance with Policy CS 20 of the Core Strategy and Policy DP29 of the Development Management Policies DPD and the NPPF.

7 Conclusion

- 7.1 In conclusion, it is acknowledged that it is necessary for the existing flood defences along this stretch of the River Yare to be reinforced and improved and that there are benefits to the material being won in the vicinity of the proposed works to minimise disruption. It is welcomed that the opportunity that the winning of this material presents to achieve significant biodiversity enhancements in this area has been realised by the scheme proposed. The resultant scrapes would help the RSPB realise its aspirations for the development and improvement of this Reserve and create an enhanced habitat for many species of wetland birds.
- 7.2 The development proposed is further considered to be in accordance with all the relevant Development Plan Policies and the NPPF in terms of landscape, archaeology and flooding considerations.

8 Recommendation

Approve subject to the following recommended conditions:

- (i) Development to be commenced in 3 years.
- (ii) Development to be carried out in accordance with submitted plans and documentation.
- (iii) Development to be carried out to avoid the bird nesting period.
- (iv) No development to take place until an archaeological written scheme has been submitted to and approved by the Local Planning Authority in writing.
- (v) No development to take place other than in accordance with the approved written scheme of investigation.
- (vi) Site not to be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the approved written scheme of investigation.

9 Reason for Recommendation

In the opinion of the Local Planning Authority the scheme proposed is in full accordance with Policies CS1 Landscape Protection and Enhancement, CS2 Landscape Protection and Enhancement, CS4 Creation of New Resources, CS6 Historic and Cultural Environments and CS20 Rural Sustainability of the Core Strategy and Policies DP1 Natural Environment, DP2 Landscape and Trees, DP5 Historic Environment and DP29 Development on Sites with a High Probability of Flooding of the Development Management Policies DPD and the relevant paragraphs of the NPPF.

Background papers: Application File:BA/2017/0207/FUL
Author: Alison Cornish

Date of report: 22 August 2017

Appendices: Appendix 1 – Map

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