

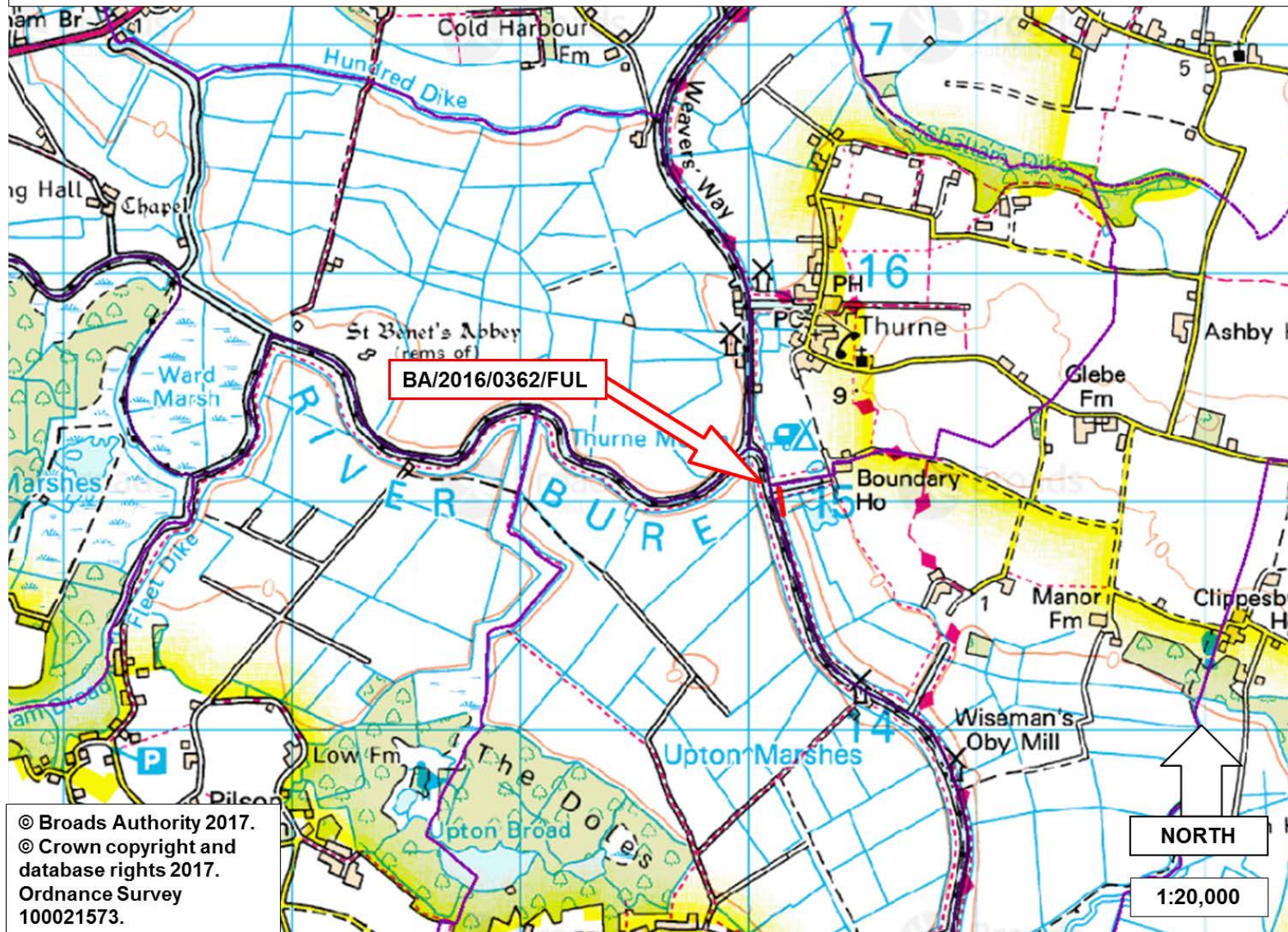
Reference:

BA/2016/0362/FUL

Location

River's edge near Boundary Farm Staithe, River
Bure, Ashby with Oby

BA/2016/0362/FUL - River's edge near Boundary Farm Staithe



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Ordnance Survey
100021573.

Application for Determination

Parish	Ashby with Oby
Reference	BA/2016/0362/FUL Target date 15 December 2016
Location	River's edge near Boundary Farm Staithe, River Bure, Ashby with Oby
Proposal	Removal of piling along the left bank of the River Bure at Oby, and re-grading of the river bank edge to form a reeded rond. The material removed will be used for crest raising the floodbank, either immediately or stock piled on the rear bank face for future use.
Applicant	Environment Agency
Recommendation	Approve subject to conditions
Reason for referral to Committee	Public interest

1 Description of Site and Proposals

- 1.1 The application site comprises 100 metres of riverbank immediately south of the entrance to Boundary Farm Staithe, a short distance south of Thurne Mouth at the confluence of the River Bure and River Thurne, on one of the busiest stretches of river in the northern Broads system.
- 1.2 In 2011 planning permission was granted for flood defence works as part of the Broadland Flood Alleviation Project in the majority of Compartment 9 (Left Bank of the River Bure between Thurne Mouth and Acle Bridge). This approved a combination of strengthening, rollback and set back of floodbanks. A planning condition was imposed on the permission requiring the submission of a separate planning application to allow removal of the piling which was no longer required, an application which was granted in 2015.
- 1.3 The section of piling to which this application relates was not removed as part of the previous scheme as at the time this was being used by the landowner for fishing; the piling is no longer required here for this purpose.
- 1.4 It is noted that the section of piling to which this application relates does not form part of the area previously leased for 24 hour moorings.
- 1.5 The proposal is to remove the 100 metres of piling and regrade the river bank edge. The applicants have noted that the new rollback banks have

established which allows for the original riverside sheet piling to be removed. Habitats including reeded rond which develop in front of the new floodbanks provide a sustainable form of erosion protection for the new flood defence.

- 1.6 The application included supporting details which explain how the works will be carried out as follows:

Removal of piles will be undertaken using methods successfully applied in several other BFAP compartments in recent years. Recent examples include Compartment 9, further downstream, removed in 2014-15. Following advance ecological mitigation the rond will be lowered to approximately mean high water springs level, material will be excavated from behind the piles to create a 1 in 1 slope and the piles will then be extracted. If there are sufficient reed rhizomes in the ground along the lowered rond and channel edge then these will be left to establish in the following spring and summer. If there are no signs of reed then these will be excavated from elsewhere on the site and placed along the new channel edge.

- 1.7 Material removed from behind the piles and during regarding of the rond will be placed on the crest or rear face of the floodbank to either strengthen the existing floodbank or be available for future use.
- 1.8 It is proposed to install erosion monitoring posts which would also act as channel markers to mark the channel at times of high tide. These are only required until sufficient reed growth has established and would subsequently be removed.

2 Site History

- 2.1 In 2010 consent was granted for flood bank works including strengthening, rollback, setback and crest piling of flood banks in the area labelled as Compartment 9, Left Bank of the River Bure between Thurne Mouth and Acle Bridge (BA/2010/0391/FUL).
- 2.2 In 2014 consent was granted for the removal of piling along the river's edge, and regrading of the edge and the original bank along the left (eastern) bank of the River Bure between Thurne Mouth and Acle Bridge (BA/2014/0297/FUL).

3 Consultation

Environment Agency - No objection. Note that permit may be required for works.

NCC Highways - No objection subject to a condition restricting access and egress to that shown on the submitted plans.

Norfolk and Suffolk Boating Association - Objection to loss of moorings.

Operations - No objection subject to conditions requiring removal of channel markers when no longer needed, details of piling return, and erosion protection, monitoring, and remedial works to be agreed as set out in the application.

Waterways - No objection subject to conditions requiring removal of channel markers when no longer needed, and details of piling return. Questions raised relating to absence of sonar survey and erosion protection measures.

Ecology - No objection subject to condition requiring piling removal to be carried out as outlined during winter months.

Navigation Committee - The application was considered by Navigation Committee at their meeting on 15 December 2016 and no objections were raised.

4 Representations

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](#)

Core Strategy Policy (2007)

[Core Strategy Adopted September 2007 pdf](#)

CS1 - Landscape Protection and Enhancement

CS3 - Navigation

CS4 - Creation of new resources

CS6 - Historic and cultural environment

CS15 - Water space management

Development Management DPD (2011)

[DEVELOPMENTPLANDOCUMENT](#)

DP1 - The Natural Environment

DP2 - Landscape and trees

DP11 - Access to land

DP28 - Amenity

- 5.2 The following Policies have been assessed for consistency with the NPPF which has been found to be silent on these matters. Paragraph 14 of the NPPF requires that planning permission be granted unless the adverse effects would outweigh the benefits.

Development Management Plan DPD (2011)

DP13 - Bank Protection

6 Assessment

- 6.1 The application is for the removal of piling along the left bank of the River Bure at Oby, and re-grading of the river bank edge to form a reeded rond. The proposed works are part of the final stages of piling removal following floodbank works carried out in the section known as Compartment 9, namely the Left Bank of the River Bure between Thurne Mouth and Acle Bridge. The key areas of consideration are the impact on recreation and navigation, habitat and ecology, landscape, and highways access.

Navigation and Recreation

- 6.2 Planning application BA/2010/0391F showed pile removal as part of the proposal. The permission granted in 2011 included a planning condition retaining control 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. Existing piling is no longer of any benefit, its condition will only deteriorate so subject to the provision of navigation / channel markers, its removal will be a navigation benefit. Navigation markers are proposed and can be secured by planning condition to ensure they are retained until adequate vegetation is established and removed when no longer required. With regard to channel markers the BESL have stated the following:

Recent previous schemes, such as the previous piling removal in Compartment 9 and that being undertaken soon in Upton Dyke, have utilised the erosion monitoring posts as navigation markers. These posts are installed at the top of the regraded slope on the riverward edge of the rond. They can be painted the appropriate colour to act as navigation markers ensuring that the bank will be adequately marked until the vegetation grows. The posts can easily be removed when no longer required for navigation or monitoring purposes in agreement with the BA.

- 6.4 The Broads Authority's Waterways and Recreation Officer highlighted an issue relating to the proposed piling return to the southern end of the piling to be removed. BESL have commented on this point as follows:

Piling returns will be installed at the end of any remaining piling runs. Piling returns will be constructed using recycled piling of similar type to that remaining. They will be driven at an angle from the remaining piling

back into the road to prevent erosion occurring behind the retained piling.

It is considered appropriate that should planning permission be granted a condition be included requiring details to be submitted of the proposed piling return.

- 6.5 The Broads Authority's Waterways and Recreation Officer raised a point relating to sonar monitoring of the removed piling in response to which BESL has stated the following:

For clarification, the Hydrographic monitoring does consist of Sonar surveys.

It is considered that the proposed hydrographic monitoring will be sufficient to ensure that all piling has been removed and no hidden obstructions remain.

- 6.6 The Broads Authority's Waterways and Recreation Officer highlighted an issue relating to erosion protection of the new regraded edge. BESL have commented on this point as follows:

Several previous piling removal schemes have been undertaken where erosion protection has not been used. These include previous piling removal in Compartment 9 as well as similar schemes on the Rivers Bure, Thurne, Ant, Chet and Yare. Our experience, and regular monitoring, has shown that vegetation establishes rapidly in the spring following the works and erosion has been minimal. Monitoring will be undertaken following these proposed works and any local erosion problems will be assessed and appropriate action taken and erosion protection installed if necessary.

Erosion monitoring and remediation is addressed in section 5 of the submitted supporting statement it is considered that the monitoring techniques proposed in this application provide sufficient safeguards to ensure that should significant erosion take place, the applicant will ensure necessary remediation works take place. This would provide a key safeguard previously required in similar pile removal applications.

- 6.7 In relation to public access, the footpath along the floodbank will be diverted locally onto the folding at the bottom of the bank, with machine operators briefed that all operations must cease and bucket/grabbers placed on the ground when footpath users are within 50m of the machine. This is considered acceptable to ensure that public access is maintained and public safety is safeguarded.
- 6.8 In view of the above, the impact on navigation and recreation will be limited and result in no unacceptable harm to these interests. Therefore it is considered that the proposal is consistent with Policies CS3, CS15 of the Core Strategy and Policy DP13 of the Development Plan Document.

Flood risk

- 6.9 The planning consent granted in 2011 was on the basis of flood defences being provided in a more sustainable way through introducing roll back and set back floodbanks and thus reducing the need for hard engineered erosion protection in the form of piling, whilst ensuring no increase in flood risk either in the compartment, or up or down stream.
- 6.10 No objection has been raised, including from the Environment Agency, and the proposed pile removal will not result in any increase in flood risk as it does not materially alter the flood defence scheme approved. Therefore the proposed scheme is considered acceptable with regard to Policy CS4 of the Core Strategy, Policy DP29 of the Development Plan Document, and the NPPF.

Ecology

- 6.11 The works proposed would take place in the winter months. The supporting statement has addressed potential impacts on wildlife and this has been reviewed and considered satisfactory by the BA Ecologist. Whilst it is noted that winter is a period when there is a large number of wintering birds in the Broads, the proposed works associated with pile removal is limited to a narrow corridor of a very limited length, outside any designated site and therefore will have very limited impact. It is noted that no objections were received in relation to the previous Compartment 9 applications. Therefore it is considered that works will not impact on ecological interest, with regard to Policies CS1, CS4 of the Core Strategy, and Policy DP1 of the Development Plan Document.

Highway Access

- 6.12 A single construction access route is shown on the submitted plans, this has been reviewed by the County Highway Authority who have raised no objection subject to a planning condition requiring that only the route shown be used. The scheme is therefore considered acceptable on highway grounds.

Appearance

- 6.13 The proposed approach to pile removal will ensure that the re-profiled bank will provide a more natural appearance in the Broads landscape, contributing to conserving the landscape and scenic beauty of the Broads, consistent with the aims of Policy CS4 of the Core Strategy, Policy DP1 of the Development Plan Document, and the NPPF.

Residential Amenity

- 6.14 With regard to residential and visitor amenity, taking into account the timing of works during the darker winter months, limited number of residential properties close by, and limited visitors and boating activity, it is considered that there will not be unacceptable on amenity through the duration of the works, with regard to Policy DP28 of the Development Plan Document.

Loss of Moorings

- 6.15 It is noted that the NSBA have raised an issue in relation to loss of the previous 24 mooring in this area, however it is noted that the section of piling to which this application relates was not part of the former mooring area.

7 Conclusion

- 7.1 The proposed removal of piling along the left bank of the River Bure at Oby, and re-grading of the river bank edge to form a reeded rond would be beneficial to the landscape of the Broads and would not result in unacceptable impacts navigation, recreation, ecological, highway, and amenity, and would not increase flood risk elsewhere, consequently the application is considered to be acceptable with regard to Policies CS1, CS3, CS4 and CS15 of the Core Strategy, and Policies DP1, DP13, and DP28 of the Development Plan Document.
- 7.2 The application proposes pile removal which follows the establishment and consolidation of set back and roll back floodbanks where bank settlement has taken place. 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, highway, amenity 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 Approve, subject to conditions:
- (i) Time limit.
 - (ii) In accordance with approved plans and supporting statement.
 - (iii) Erosion protection monitoring
 - (iv) Navigation hazard markers
 - (v) Construction traffic routes
 - (vi) Period for working (October – March only)

9 Reason for recommendation

- 9.1 The proposal is considered to be in accordance with Policies CS1, CS3, CS4 and CS15 of the Core Strategy (2007), Policies DP1, DP13, and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

Background papers: Application File BA/2016/0362/FU

Author: Nigel Catherall
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List of Appendices: APPENDIX 1 - Location Plan

APPENDIX 1

