

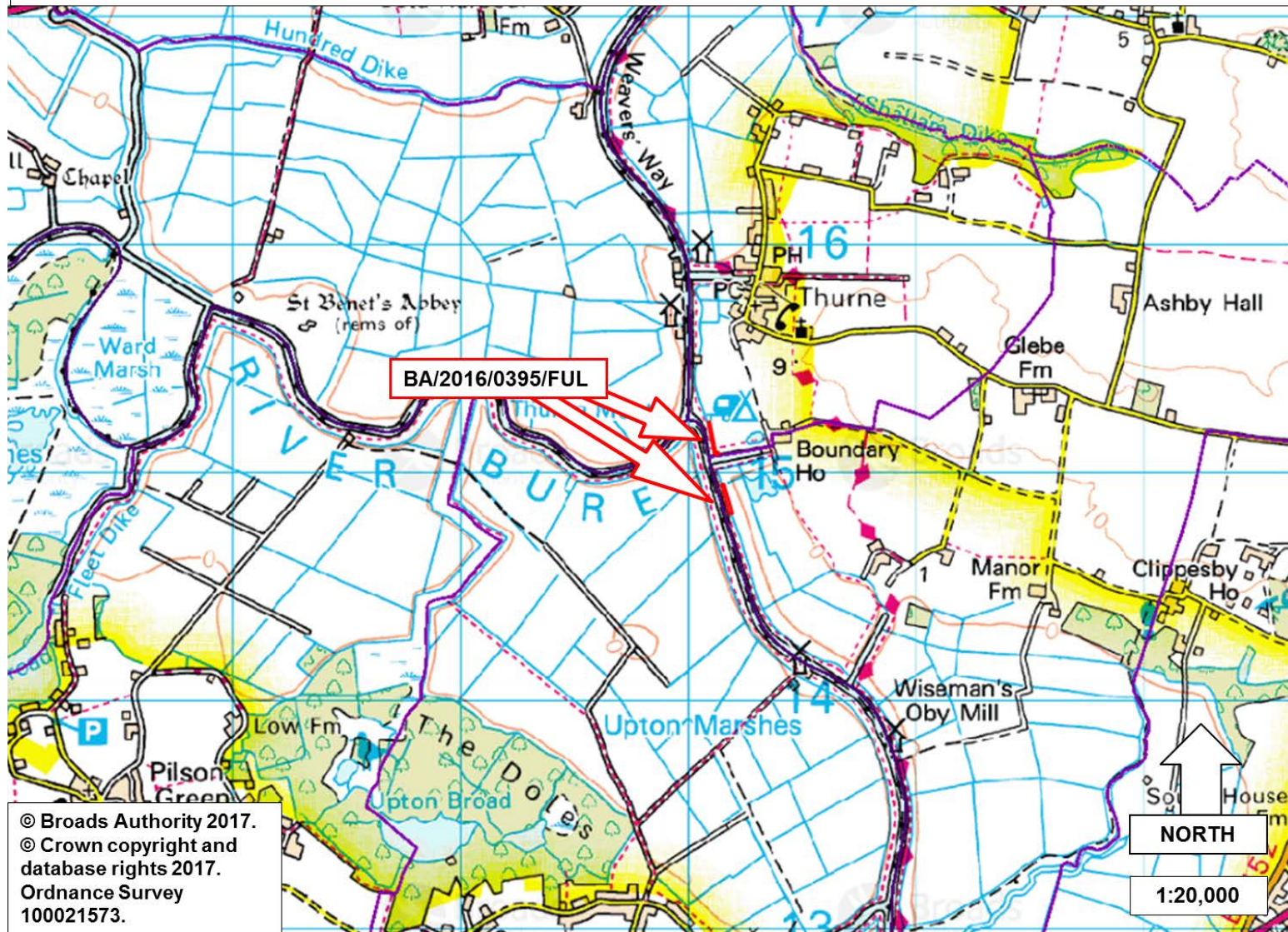
Reference:

BA/2016/0395/FUL

Location

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

BA/2016/0395/FUL - Land Adj Boundary Farm Staithe



BA/2016/0395/FUL

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Ordnance Survey 100021573.

NORTH
1:20,000

Application for Determination

Parish	Ashby with Oby
Reference	BA/2016/0395/FUL Target date 3 January 2017
Location	Rivers Edge Near Boundary Farm Staithe, River Bure, Ashby With Oby
Proposal	Removal of piling at two sections along the left bank of the River Bure at Oby, re-grading of the river bank edge to form a reeded rond, and installation of pontoon moorings.
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 a total of 288 metres of riverbank at two sections, one to the north of the entrance to Boundary Farm Staithe, and one to the south of the entrance to Boundary Farm Staithe. The site is located 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 two sections of piling to which this application relates were not removed as part of the previous scheme as at that time this was being leased by the Broads Authority and utilised as 24 hour moorings; the lease expired in 2014 and the mooring use ceased, and the piling is no longer used here for this purpose.
- 1.4 The proposal as originally submitted was to remove the 288 metres of piling and regrade the river bank edge as the landowner did not wish for mooring to be continued using the piled bank. However, following a meeting between the

landowner, and other parties including his agent, and the Broads Authority, an alternative proposal was put forward which would involve removal of piling and regrading the bank, with the addition of the installation of two 100m pontoons which would be used for visitor mooring, this being the subject of this application. To ensure adequate space within the river for the pontoons the profile of the regraded riverbank will be moved landward by approximately 2 metres at the toe. The revised proposal has been the subject of full consultation.

1.5 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. Floating pontoons would be installed to provide moorings to the front of the reeded rond, attached to vertical steel piles, with walkways at both ends of each length of pontoon providing access to the land.

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 Floating pontoons attached to vertical steel piles will be included along the two lengths of piling removal. The pontoons would effectively be cut into the line of riverbank as it exists, this allows sufficient space for the reeded rond and ensures minimal encroachment on navigation. Members will be updated orally on the exact specification of the pontoons as at the date of the report the final drawings are still being prepared..

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 rivers 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 received to application as originally submitted, on grounds of loss of moorings. No comment received on amended scheme.

Broads Hire Boat Federation - Objection received to application as originally submitted, on grounds of loss of moorings. No comment received on amended scheme.

Operations Directorate- Concerns raised to application as originally submitted, over loss of piling and potential for erosion. Following receipt of amended scheme, comments revised to:

- The major concern relates to cutting back the bank; having looked at the BESL / Solent Marine drawings it is important that we are clear on the cut required into the existing bank line to accommodate the pontoons. To simply allow for a run of 2m wide pontoons the existing bank line will need to be cut back 3.6m minimum (if the pontoons are to be kept entirely within the current piling line)
- The access ramps may be heavy and list the pontoons, so as per Solent Marines drawing, they have allowed for a float at the end of the ramp, behind the main run of pontoons. To allow for this the existing bank line will need to be cut back 5.5m minimum (at least locally to the access ramps) to keep the pontoons within the current piling line. In addition there will need to be room on the bank top for a plinth to hinge the ramp on to
- The proposed run of 99m of pontoon with only one access & egress ramp would be unsuitable, we would like to see at least two access/egress points
- Looking at the drawings the Mean Low Water level incorrect (actual is lower than shown). This would have an effect on the mounting and length of access/egress ramps. Please refer to the attached sketch for the correct figures
- The Pontoons are shown as 'Hardwood Timber' decked – this surface does become very slippery when wet. We should be specifying a GRP grid deck system (like the de-masting pontoons at Breydon) as its free draining, highly resistant against slipping and low maintenance
- The details are not clear about a handrail (are the rear of the pontoon) or any lighting (as they will protrude out from the bank) We will need to

- ensure the development includes ladders on the ends of the pontoons as per normal practice and rails at the rear of the pontoons
- The River width at this location is good and with a 'bank roll back' to ensure the pontoons stay on the current piling line the pontoons would have a minimal effect of the available navigation
 - pontoons are a good investment, if the land lease ever fails or is not renewed the pontoon moorings can be relocated
 - pontoons are relatively low maintenance and cheaper than a traditional piled & surfaced mooring (if purchase is correct)
 - This is a very busy mooring with lots of hire boats which on occasion come into moor quite heavily so it will be worth considering that these pontoons may not last as long as initially planned due to the potential for miss-use. Also provision a little more for maintenance
 - We may want to consider how we can encourage people not to light barbeques on the pontoon, alternatively we could provide some sort of on shore facility which they could safely use and not damage the pontoon. The navigation committee was also told that refuse facilities would be provided on the bank, should these also be shown on the drawings for completeness?

Waterways and Recreation Team- Concerns raised over application as originally submitted around loss of piling and potential for erosion. Following receipt of amended scheme, comments revised to:

- In general I support the provision of moorings in this location by way of pontoons. However, the issue of encroachment on the river needs to be resolved as the [Navigation] Committee commented on the basis that there would be no encroachment and the drawings show the pontoons inside the existing pile line. The issue of encroachment was in fact raised in the Navigation Committee with one member suggesting that more of the bank should be cut away to be absolutely sure that no encroachment takes place. In my view it will be necessary to install floats at the ends of the access ramps and a concrete plinth on the bank to support the landward ends of the ramps as our experience is that weight of these ramps can cause the pontoons to list. This will mean that a 5.5m cut back would be required at the ramp points to accommodate the ramp and floats within the pile line and that may be difficult to achieve because of the rond width shown on the BESL drawing. In my previous consultation response I already raised the fact that this is one of the busiest reaches in the Broads for boat movements as demonstrated in the boat census and given the fact that it is also a very important sailing area there is likely to be opposition to any proposal that results in loss of width. In navigation terms I do not consider that encroachment would be acceptable at the previous Thurne Mouth mooring site (the area upstream of Boundary Farm Dyke Nearest Thurne Mouth).

I would also support the following points that have been raised:

- that safety ladders should be installed at the ends of the pontoons
- that a back safety rail for the pontoons should be included in the design

- that lighting should be considered if the pontoons are installed outside the existing pile line
- that the GRP non-slip deck referred to in {The Operations Directorate} email should be used for the surface;
- that at least two access ramps should be installed as quite a length of pontoons is proposed.

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

Landscape

- I have reviewed the revised documents and the comments previously made by Lesley Marsden, and have no objections to the amended proposals. The introduction of pontoon moorings will have some impact on landscape character, however this is not considered to be of greater negative impact than the existing piling, and the establishment of reed will help mitigate any impact
- The following comments made previously remain relevant to the amended proposal: Further details of the reed planting needs to be ascertained along with the proposed management and maintenance programme. I am happy that this information is conditioned. There may be a need to provide some form of temporary protection along the frontage to encourage the establishment of the reed. Can they provide details of this as well if they think it is necessary

Navigation Committee - The application, as amended, was considered by Navigation Committee at their meeting on 15 December 2016. An extract from the draft Navigation Committee minutes is shown below:

“One Member was concerned that the pontoons and moored boats would take up more than 2 metres and therefore enquired whether there was a chance of pulling back the river bank for more than 2 metres. Officers agreed to ask whether this could be done.

A number of Members pointed out that this stretch of the river was one of the busiest waterways on the Broads and an important location for organized events, including the annual regatta in May. Members agreed that moorings here were crucial, and therefore welcomed the planning application allowing pontoons for public use. “

4 Representations

- 4.1 Five responses to the initial scheme were received, four objecting to the loss of moorings, one stating that the works would harm the beauty of the Broads. A second consultation for the amended scheme was undertaken, two replies were received, both questioning the process of amending a live application and raising issues of lack of rubbish bins and impacts on appearance of the river and surrounding landscape. In addition one response raised issues of adverse impacts on wildlife, and health and safety relating to a lack of access to the riverbank for one of the pontoons.

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

CS9 - Sustainable tourism

CS14 - Visitor moorings

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)

DP12 - Access to water

DP13 - Bank Protection

6 Assessment

- 6.1 The application is for the removal of piling at two sections along the left bank of the River Bure at Oby, re-grading of the river bank edge to form a reeded rond, and installation of two floating pontoons attached to vertical steel piles located to the rear of the pontoon. The proposed works mark the final stage 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 river scene, and highways access.

Navigation and Recreation

- 6.2 Planning application BA/2010/0391/FUL showed pile removal as part of the proposal. The permission granted in 2011 included a planning condition to retain 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 following the floodbank works, and its removal is part of the strategy to deliver flood defences in a more sustainable manner. The piling was utilised by the Broads Authority as 24 hour moorings but this use ceased in 2014. Subsequent negotiations with the landowner yielded no agreement, and the landowner made it clear that any future use as moorings could not be with piling, it therefore serves no purpose.
- 6.4 The previous 24 hour moorings were one of the most popular moorings on the Broads system and their loss did not go unnoticed. Indeed from reading the responses to the initial application which proposed the removal of piling and was seemingly taken as a sign that mooring in this location was over, it is clear that there is still a great deal of interest in the loss of moorings in this location, even two years after their closure. Whilst it is clear that mooring against a piled riverbank was not an option, the amendment to the original proposal to include floating mooring pontoons allows for the removal of the existing piling, regrading of the bank and establishment of a reeded rond, but with the addition of re-establishing mooring at this popular location.
- 6.5 The proposed pontoons would in effect be cut into what is the existing bank. The bank would be regraded to create a 1 in 1 slope, this would bring the line of the riverbank back by approximately 3 metres, and it is within this area that the pontoons would sit. The 100m long pontoons would each be attached to 5 tubular steel piles and guides which would protrude above the mean water level by approximately 2.9 metres. To the land side of the pontoons would be the reeded rond which will provide natural erosion protection for the regraded bank.
- 6.6 In relation to the existing line of the piled riverbank and the river width which this allows, the proposed regrading of the bank and siting of the mooring pontoons within the cut back area would minimise any reduction of the existing width of the river and create only a slight intrusion into the navigable width of the river. The protrusion beyond the existing piled edge would be likely to be around a metre and given the width of the river at this location the loss of around one metres is not considered to be significant and would have no demonstrable impact on navigation. Whilst the pontoons would move on the vertical axis, there would be no movement on the horizontal access.
- 6.7 Navigation markers are proposed to provide clear indication of the river width prior to installation of the mooring pontoons and until adequate vegetation is established, this can be secured by planning condition to ensure they are

retained until 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 road. 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.

- 6.8 With regard to erosion protection of the new regraded riverbank edge, BESL have commented 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.

- 6.9 A point was initially raised by the Broads Authority's Operations Directorate in relation to a scour hole which exists at the upstream end of the existing piling at Thurne Mouth, citing the risk of high erosion rates in this area and the potential to impact on mooring upstream. The Broads Authority Rivers Engineer has provided hydrographic survey data and offered the following comments:

There is a scour immediately down stream of Thurne Mouth and the channel is relatively deep with the main flow along the existing Thurne Mouth piling. In addition this has high boat traffic and associated wash. In recent years we have dredged a large shoal from the inside of this bend, but there is a natural tendency for silt to accumulate significantly on this bend which squeezes the flow eastward toward that bank.

Whilst this point is acknowledged it is not a basis for a refusal of the proposed piling removal taking into account that erosion protection measures are proposed and monitoring of the regraded bank is proposed. This point is

reinforced by the Broads Authority Rivers Engineer who commented that because of the scour erosion, protection must be part of the current scheme. It is proposed to re-site some of the removed piles to the area adjacent to the scour, this would provide a good level of bank protection, and also ensure that the access to and from the floating pontoon which is located at the area adjacent to the scour is maintained.

- 6.10 The Broads Authority's Waterways and Recreation team, and the Operations Directorate both 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 pond 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.

- 6.11 Access ramps are proposed at both ends of the two proposed sections of pontoon, this being the minimum provision which is required, and is considered to be an adequate provision given the length of the pontoons which are around 100 metres in length. In addition a GRP non-slip deck is proposed, safety ladders, and a safety rail to the rear edge of the pontoons, this addressing the majority of points raised by consultees. The outstanding point is the provision of lighting which is considered to not be appropriate in this location and not justifiable on safety grounds.
- 6.12 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.
- 6.13 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 development plan policies CS3, CS15 and DP13.

Flood risk

- 6.14 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.

- 6.15 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 development plan policies CS4 and DP29, and the NPPF.

Ecology

- 6.16 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 development plan policies CS1, CS4 and DP1.

Highway Access

- 6.17 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

- 6.18 The proposed pile removal and re-profiled bank with a reeded rond will provide a more natural appearance in the Broads landscape. It is noted that floating pontoons would be provided to the front of the profiled bank for much of its length and this would intrude to some level on the natural appearance in this area, although impacts on the Broads landscape would be predominantly restricted to views from the river.
- 6.19 The existing appearance must be considered in relation to the proposed, this comprises a piled edge to the river, behind which is a flat grassed bank. The change to floating pontoons will allow for reed rhizomes to be planted behind the pontoons, this will provide a natural backdrop to the mooring area and result in an overall improvement to views of the landscape on this section of the Broads system.
- 6.20 Whilst it is acknowledged that the steel piles and guides which the pontoons attach to will protrude some distance above the water level and riverbank, the background of reeds will for the most part ensure a very limited presence in views across the landscape, and sufficient distances are maintained between piles and guides to help ensure no clustering. It should also be noted that the provision of moorings is supported by planning policy and where there are such limited impacts on the landscape of the Broads then additional visitor

mooring provision should outweigh any harm where it is considered that this is of a reasonable level and would not be contrary to other policies. In this case overall it is considered that the removal of the existing piling and installation of floating pontoons would to some extent contribute to conserving and improving the existing landscape and scenic beauty of the Broads. It is therefore considered that the proposal is consistent with the aims of development plan policies CS4 and DP1, and the NPPF.

Residential Amenity

- 6.21 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 development plan policy DP28.

Other Matters

- 6.22 The provision of litter bins has been raised in consultation responses. The provision of bins at a visitor mooring is not considered to be a planning consideration, and the provision of bins at Broads Authority 24 hour moorings has not been a part of any previous scheme. Boaters are expected to take their rubbish with them and this is promoted by companies who hire boats. Anecdotally it has been pointed out that even with provision of bins people will still litter and that the problem goes far beyond bins being provided.

7 Conclusion

- 7.1 The proposed removal of piling at two sections along the left bank of the River Bure at Oby, re-grading of the river bank edge to form a reeded rond, and installation of floating pontoons would not be detrimental to the landscape of the Broads and would not result in unacceptable impacts on 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, CS14, and CS15 of the Core Strategy, and Policies DP1, DP12, DP13, and DP28 of the Development Plan Document.

8 Recommendation

- 8.1 Approve, subject to conditions:

- (i) Time limit
- (ii) In accordance with approved plans and supporting statement
- (iii) Erosion protection monitoring and remediation
- (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, CS14, and CS15 of the Core Strategy (2007), Policies DP1, DP12, 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/2016/0395/FUL

Author: Nigel Catherall
Date of Report: 19 January 2017

Appendices: APPENDIX1 – Location Plan

APPENDIX 1

