

Application for Determination

Parish: Hoveton

Reference: BA/2013/0050/FUL **Target date:** 16 May 2013

Location: Bewilderwood, Horning Road, Hoveton

Proposal: Creation of narrow gauge train track (1.4km circuit) and associated works

Applicant: Bure Valley Adventures

Recommendation: Approve subject to conditions

Reason for referral to Committee: Major application, objections received.

1 Description of Site and Proposals

- 1.1 The application site is Bewilderwood, an outdoor adventure and education park covering approximately 22.5 hectares of land, largely woodland and water bodies, between Horning Road and Long Lane in Hoveton. The park has been open since 2007 and has become a well-attended family attraction in the Broads.
- 1.2 The site is accessed from Horning Road and there is a large car park at the front of the site for visitors and staff. A site office, storage compound, visitor toilets and cycle hire base lie at the northern boundary of the car park, beyond which woodland extends and the park's activities are concentrated within this woodland.
- 1.3 To the north, the site extends up to Long Lane which runs roughly parallel with Horning Road and a former agricultural field between the established woodland of the park and Long Lane is maturing with trees planted when the park was first opened. Palmers Lane, a restricted byway (for public use on foot, cycle, horse and horse and cart and private use with vehicles by Bewilderwood as land owners), runs to the west of the park and the eastern boundary of the lane marks the boundary of the Broads Authority's Executive Area, therefore the lane itself and everything to the west is under North Norfolk District Council's planning jurisdiction.
- 1.4 The application proposes the creation of a narrow gauge train track and associated works to form a new feature as part of the existing park attraction. The track itself would take a 1.4km circuit and approximately

1km of this would be within the Broads Authority's Executive Area and is the subject of this application. The remaining 0.4km, where the track would cross Palmers Lane and loop out to the west, is in North Norfolk District Council's area and is the subject of a separate planning application which is under consideration and will be determined separately by the District Council. The proposal has, however, been the subject of close liaison between the LPAs.

- 1.5 The train ride that the proposed track would facilitate would commence at a station located within the northern part of the existing park. It would then pass roughly southwest through mixed woodland, through an existing ride in alder carr woodland where the ground levels drop from those to the north to a point just west of the existing site office at the north of the car park. From here the track would break out of the woodland, run to the rear of the storage compound roughly parallel with the edge of the woodland to the north and into an area known as the Bluebell Wood east of Palmers Lane.
- 1.6 Outside the Broads Authority area, the track would cross Palmers Lane, run west along a field boundary then turn north along the edge of an existing pond, before returning back eastwards into mixed plantation woodland and cross Palmers Lane again. A traffic light warning system is proposed to manage the two crossings and the track would be level with the Lane surface. This section of the route is all within North Norfolk District Council's area and is not the subject of the planning application to be determined by the Broads Authority.
- 1.7 From Palmers Lane, eastwards (within the Broads Authority area) the track would loop out of the woodland for a short distance on the perimeter of the maturing tree plantation to the north of the park. At this point the track would run through a proposed tunnel building, before returning southeasterly into the beech woodland that accommodates the northern part of the existing park. Approximately 200 metres east of Palmers Lane, the track would turn northwards, exiting the wood again and running along the western edge on the route of a redundant agricultural track. At this point a second station would be provided for passengers to disembark the train. The empty train would then continue northwards into the maturing trees before turning eastwards and looping south, back into the mixed woodland and returning to the first station.
- 1.8 The train would consist of an LPG powered engine pulling up to three passenger carriages, each with a capacity of 30 passengers. The journey would take approximately 10 minutes to complete and would run up to four times an hour. Amplified storytelling would be played within the open-sided carriages, at a level not audible outside the carriages, and no bells, whistles or other external sounds are proposed.
- 1.9 Passengers would embark the train at the first station building which would measure 31.5 metres in length and approximately 6 metres wide. It would consist of an open sided platform, 600mm above ground level under a

gabled roof 4.35 metres above ground level for approximately 21.5 metres of the length. At the eastern end, the roof would rise in height over a proposed food outlet with associated storage area to replace an existing facility that would be removed as a result of the proposal. The roof form would terminate in a turret at a maximum height of 7.5 metres above ground level. The walls would be clad in a mixture of timber finishes to match those used elsewhere in the park.

- 1.10 The second (disembarking) station would take the form of an open platform, 25.2 metres long and 4.2 metres wide with 1.2 metre high balustrades and ramped and stepped access. From this platform, passengers would pick up an existing path through the wood to the existing features and activities provided.
- 1.11 Adjacent to Palmers Lane on the northern edge of the wood, the proposed tunnel would measure 21.6 metres in length following a curve in the track. It would have a dual-pitched roof at a maximum height of 4.7 metres and would measure 3.9 metres wide. This would be clad in timber with cedar shingles to the roof.
- 1.12 A pedestrian bridge is proposed over the track where it would cross an existing path to the north of the alder carr woodland. This would measure 10 metres across the track, providing 1.3 metre wide steps up to the bridge span approximately 3.25 metres above ground level and would be enclosed by 1.2 metre high balustrades. An existing path would cross the track at ground level to provide level access.
- 1.13 The track itself would consist of rails set 610mm apart running across timber sleepers set on two different constructions. The majority would be approximately at existing ground level, using cut and fill to achieve the required level. However, to overcome changes in gradients the section south of the pedestrian bridge, through the alder carr woodland towards the car park would be constructed on a boardwalk raised on concrete filled steel piles to a height approximately 1.6 metres above existing ground level. An access boardwalk would run alongside the track, resulting in a total boardwalk width of 1.84 metres and a 1.2 metre high balustrade alongside.
- 1.14 To facilitate the installation of the proposal as a whole (across both the Broads Authority and North Norfolk District Council areas) over 100 trees would require removal, of which 11 are classified as Category A (trees of high quality) and 20 are Category B (trees of moderate quality) in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. The remainder are Category C (low quality) and U (unsuitable for retention). Of the trees to be retained, some require reduction, crown raising and dead wood removal to facilitate the development. A width of 3.3-3.7 metres and height of 4 metres would be maintained clear of obstruction for the operation of the train. An Arboricultural Method Statement has been submitted proposing mitigation and protection measures for the cut and fill operations and other construction works.

- 1.15 The removal of the existing food outlet would result in the loss of a roost used by a single bat and other potential bat roosting features on this building. Furthermore, five trees within the proposed track corridor, but not proposed for felling, have been identified as having potential bat roost features. Breeding birds, reptiles and invertebrates were also recorded using the site. The only Schedule 1 protected birds recorded in the surveys were within North Norfolk District Council's area of the proposal. A draft Conservation Management Plan has been submitted which proposes areas of habitat enhancement, new tree and shrub planting and landscape management has been submitted, although it is noted that these proposals largely fall within North Norfolk's area to the west.
- 1.16 It is proposed that the train would operate as part of the existing Bewilderwood attraction and would not be a separate entity. As such, the submitted Transport Statement does not anticipate any additional visitors to the existing 160,000 per annum as a result, however the train may be the focus of additional activities at off peak periods. As an integral part of the existing park, access would be via the Horning Road entrance and use the existing car park. Construction traffic is proposed to use the Horning Road entrance and also an existing agricultural access to North Farm, approximately 1km to the west. A temporary material storage area is proposed to the east of Palmers Lane, north of the second lane crossing. It is anticipated the proposal would result in 4.5 new full time equivalent employees, approximately a ten per cent increase.

2 Site History

In 2006 planning permission was granted for the use of land for an outdoor adventure and education park (BA/2005/1570/HISTAP).

Condition 12 of the 2006 permission was varied in 2007 to extend the dates that the park could open on (BA/2007/0246/COND) and in 2010 planning permission was granted to allow opening all year round (BA/2010/0034/COND).

In 2009 planning permission was granted for an extension to the existing shop and jetty within the park (BA/2009/0250/FUL).

An application to erect a new office to the rear of the park with new parking spaces and variation of condition 27 of PP BA/2005/1570/HISTAP to allow access from Long Lane was submitted in December 2010 but withdrawn in March 2011 (BA/2010/0414/FUL). Subsequently a proposal for a site office at the rear of the existing car park was approved in March 2011 (BA/2011/0067/FUL) and has been completed.

In 2012, planning permission was granted for amendments to planning conditions included in the original permission for the park (BA/2005/1570/HISTAP) along with improvements to an existing maintenance base, establishment of a new community education project including two

mobile classrooms and a new compound to the front of site. The main elements of this permission have now been implemented.

In May 2013, a non-material amendment application was approved to regularise the design of the existing 'Slippery Slope' slide structure and the addition of one new slide (BA/2013/0090/NONMAT).

3 Consultation

Broads Society – As the development is confined to the area of the Adventure Park, we have no objections.

Hoveton Parish Council – No objection.

Horning Parish Council – No objections. The Council suggests that consideration could be given to improving the access to Bewilderwood for walkers and cyclists as part of the application.

Wroxham Parish Council – No response.

District Member – No response.

Environment Agency – No objection providing the LPA are satisfied with the safety of the proposed development. A short section of track would be below the 1 in 100 year flood including climate change and may be at risk of flooding, but it would not obstruct flood flows or take up flood storage. The LPA should determine whether the proposed flood warning and evacuation measures would be sufficient to ensure the safety of the inhabitants of the proposed development. Culverting of watercourses will need consent under Section 23 of the Land Drainage Act from the Local Lead Flood Authority. The LPA should consider the surface water drainage as they would for any other development.

Natural England –Designated Sites: Advise that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Broads SAC and Broadland SPA/Ramsar (within 1.3km of the application site) has been classified. The LPA is therefore not required to undertake an Appropriate Assessment. We are satisfied the proposed development, being carried out in strict accordance with the details of the application will not damage or destroy the interest features for which the Bure Broads and Marshes SSSI has been notified.

Protected Species: On the basis of the information available to use, the proposed development is likely to affect bats through disturbance of EPS or damage or destruction of a resting place. We are satisfied however that the proposed mitigation would maintain the population identified in the survey report. A license may be needed to carry out mitigation work as well as for impacts directly connected with a development. We note the ecological appraisal also assessed the site for the occurrence of otter, water vole, reptiles, birds and invertebrates. We are satisfied that the proposed mitigation

in the report will ensure no significant impacts on those species that were recorded on the site.

Designated Landscape: Part of the application falls within the Broads National Park. Natural England has no comments to make on this proposal as we do not believe that this development is likely to adversely affect the purpose of the designation. We have reached this conclusion considering the local topography of the area and the screening effect provided by existing vegetation, which should result in negligible views of the proposed development in the wider landscape.

Biodiversity enhancements: The application clearly provides opportunities to incorporate features into the design which are beneficial to wildlife, such as installation of bat boxes. We particularly welcome the proposed ten year Wildlife Conservation Management Plan, which aims to manage areas of habitat to benefit wildlife. We would welcome the inclusion of the full extent of the alder carr woodland (noted for its favourable conditions for invertebrates, including those of high conservation interest) in this management plan. We note the proposal will result in the felling of a large number of trees and that significant trees have been retained where possible. This is considered to have a relatively insignificant impact within the context of the site and allows for the opportunity to replant previously unmanaged areas resulting in habitat enhancement of the overall site.

North Norfolk District Council Environmental Protection – Recommended conditions on construction hours, operating hours and external lighting.

North Norfolk District Council Planning – No formal response, ongoing liaison between LPAs.

North Norfolk District Council Emergency Planning – satisfied the development will not increase risks subject to compliance with advice in flood risk assessment, signing up to Environment Agency warnings and proposed evacuation procedures.

Highways Authority – Provided that a system of traffic lights is introduced on the railway where it crosses Palmers which is a restricted byway so that byway users are able to activate the lights causing the train to stop and allowing byway users to cross, the Highways Authority has no objection subject to the following conditions: provision of safe crossing facilities for byway users, construction traffic routing, and wheel cleaning facilities.

4 Responses to North Norfolk Application 13/0146 of Relevance to the Determination of this Application:

Norfolk County Council Countryside Access Officer – I am please to see that previous comments regarding the crossing of Palmers Lane (a restricted byway) have been taken on board and that the restricted byway users will take precedent over the train. It should be noted that if the construction of the rail crossing where it meets Palmers Lane would require a temporary closure

order on the public right of way, then this should be sought well in advance of any works commencing.

Open Spaces Society - This proposal has the potential to introduce conflicts between vulnerable users of the restricted byway. Introducing a level crossing across a public highway is a very serious matter, and adequate safeguards need to be employed by the railway operator to protect the safety of highway users. If planning permission for the scheme were to be granted, then it should be conditional upon users of the proposed railway track always giving way to any users proceeding along Palmer's Lane, at all times, and conditional upon adequate signage being provided and maintained - both to instruct railway train drivers to take care of highway users and to give way to them, and also to warn public users of Palmer's Lane about the railway level crossing. A further concern about the proposed scheme is its visual impact. It is noted with some dismay that the route proposed for the track would include open areas of landscape, away from trees, and therefore not be screened thereby. The visual impact of the track itself, and of necessary signage, upon Palmer's Lane, and the public's enjoyment of the countryside from that route, would be particularly severe.

5 Representations

- 5.1 One letter of support received.
- 5.2 One representation received advising of an objection unless assurance can be given that there would be no 'hooters' involved on the train.
- 5.3 One objection received on basis of impact on safety and inconvenience to users of Palmers Lane, disturbance to wildlife flora and fauna and incompatibility with the open countryside and landscape.

6 Policies

- 6.1 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](#)

Broads Core Strategy adopted September 2007

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS1 – Landscape
CS9 – Sustainable Tourism
CS11 – Sustainable Tourism
CS16 – Access and Transportation

Development Management Policies DPD adopted November 2011

[DMP DPD - Adoption version.pdf](#)

DP1- Natural Environment

DP2 – Landscape and Trees
DP3 – Water Quality
DP4 – Design
DP11 – Access on Land
DP27 – Visitor and Community Facilities and Services
DP29 – Development on Sites with a High Probability of Flooding

- 6.2 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.

Broads Core Strategy adopted September 2007

CS18 – Rural Sustainability

Development Management Policies DPD adopted November 2011

DP5 – Historic Environment
DP14 – General Location of Sustainable Tourism and Recreation
Development
DP28 – Amenity

7 Assessment

- 7.1 The key considerations in the determination of this proposal are: the principle of the development, trees, landscape, ecology, amenity, traffic and access, flood risk, pollution, design and archaeology. The relationship with the proposed development within North Norfolk's area also requires consideration.

7.2 Principle

- 7.2.1 In terms of principle, Development Management Policy DP14 and Core Strategy Policy CS9 are supportive of the provision of appropriately located new tourism development, however this would not be a new development, but an addition to an existing tourist and visitor facility. The National Planning Policy Framework (at paragraph 28) states that "sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside" should be supported. This is a material consideration in the determination of this application.

- 7.2.2 Bewilderwood is a popular and successful operation which forms an important part of the network of tourist facilities in the Broads. The proposal would increase employment at the site and potentially have wider positive impacts in the local community and Broads economy. The proposed train track and associated development would, in operational terms, be integral to the existing park and the proposal is considered acceptable in principle. It is noted that the proposed track would extend beyond the existing boundaries of the Park, however this is largely the section within North Norfolk's area and is for them to consider.

7.3 Trees

- 7.3.1 The existing activities of the park are all concentrated within the woodland, which consists of areas of mature plantation woodland to the north and alder carr woodland to the southeast. As 'a curious treehouse adventure', the trees and woodland cover are integral to the character and success of the park.
- 7.3.2. The route of the track and clearance to each side and above would be maintained open long term. The majority of the trees proposed to be felled are of low quality or unsuitable for retention, however they do contribute to the woodland cover and density. Where the track lies within proximity of trees to be retained, there is potential for the track construction to adversely affect the health of the trees. Amendments have been made to reduce the impact of the cut and fill construction on trees and further discussions are ongoing to finalise the levels required for any excavation. This matter requires resolution prior to determination of the application.
- 7.3.3 New tree planting is proposed as part of the draft Conservation Management Plan, and, in addition, new infill tree planting is proposed within the woodland around the northern and sections of the track east of Palmers Lane, but the details of this are proposed to be agreed at the end of the construction phase when the impacts are evident.
- 7.3.4 Subject to appropriate tree planting being agreed, it is considered that the tree loss can be, at least, partially mitigated in the long term and the new planting provides an opportunity to enhance the quality of the woodland and habitat it offers. It is however recognised that there will be a short term visual impact resulting from the tree removals and clearance. Whilst this would largely be within the existing park, public views from Palmers Lane into the woodland would be affected.
- 7.3.5 Subject to an acceptable solution for the proposed levels and excavation being submitted, it is considered that the conflict between the track construction and trees can be reduced and the proposed Arboricultural Method Statement offers a comprehensive and appropriate scheme to construct this development. This would, however, be reliant on the methodology being strictly adhered to under close arboricultural supervision, including monitoring during the construction phase and over the five years post-construction.
- 7.3.6 Whilst the proposal would result in tree loss, including some individual specimens of high quality, replacement planting is proposed and the impact on retained trees can be minimised, subject to agreement on final details to ensure any excavation within proximity to trees is minimised. However, it is not considered that the conflict between the development and retained trees can be entirely eliminated.

7.3.7 With regard to policy, where development would result in the loss of a feature of landscape or ecological importance, Policy DP2 only allows for approval in exceptional circumstances where the landscape, biodiversity, navigation, social or economic benefits outweigh this loss and adequate compensatory measures can be implemented. By creating new employment opportunities and supporting an existing successful tourist attraction, the proposal is considered to result in economic benefits and it is necessary to consider the wider landscape impact of the proposals and the proposed compensatory measures to assess whether the proposal can be considered acceptable in accordance with Policy DP2.

7.4 Landscape

7.4.1 Public views of the existing structures and activities of the park are largely screened due to their locations within the existing woodland, and the car park forms the most visually prominent part of the site, particularly when at capacity. The proposals would be more publically visible in two respects – where they extend beyond the existing woodland, and where the tree removal would open up views into the site, largely around the two Palmers Lane crossings.

7.4.2 Where the track extends beyond the southern edge of the woodland, public views would be limited by the existing topography and localised to the vicinity of Palmers Lane. To the north of the woodland, the maturing tree planting will, over time, provide an increasingly effective visual screen to views from Long Lane.

7.4.3 The tree clearance for construction purposes and subsequent maintenance of clearance around the track will change the nature of the site's woodland landscape and around Palmers Lane this will reduce the sense of enclosure. It is considered these landscape impacts will be direct and significantly adverse.

7.4.4 However, the opportunity exists to provide landscape enhancements that would, in the long term, compensate for the adverse landscape impact. The draft Conservation Management Plan proposes new planting and habitat management measures that it is considered, in the long term, would offer significant landscape and habitat enhancements for the wider landscape which would be of some public benefit. The short term impacts of construction and operation would be detrimental to the local landscape quality and enjoyment of it, contrary to Development Management Policy DP2, however in the long term it is considered that the proposed compensatory and enhancement measures, subject to agreement of details, would be sufficient to outweigh the loss in the short term. Given the economic benefits of the proposal that would result and the long term, wider landscape and habitat enhancements that could be secured, it is considered that in these exceptional circumstances the provisions of Policy DP2 can apply and the proposal can be considered acceptable in this respect.

7.5 Ecology

- 7.5.1 The proposal would affect protected species and Biodiversity Action Plan habitat (wet woodland). Removal of the existing food outlet would result in the loss of a bat roost, however mitigation measures are proposed which it is considered would maintain the identified population, subject to conditions and, if necessary, a protected species licence and Natural England support this conclusion. Proposed mitigation measures in respect of otters, water vole, reptiles, birds and invertebrates are also considered appropriate.
- 7.5.2 The proposed section of the track on raised boardwalk through the alder carr woodland would require some clearance for construction, but the fen vegetation would be allowed to re-establish subsequently and management of the whole alder carr area is proposed in the Conservation Management Plan. Natural England endorse the proposals for management of the alder carr woodland as this offers the greatest nature conservation interest of habitats on the site, including for invertebrates.
- 7.5.3 Beyond the boundaries of the application site, it is not considered that any designated sites would be affected. A pair of breeding barn owls, Schedule 1 species, nest in a barn to the north west of the track, west of Palmers Lane (North Norfolk District Council's area). It is not considered that the development in the Broads area would directly affect these and the proposed Conservation Management Plan proposes appropriate mitigation and enhancement.
- 7.5.4 With regard to the application to be determined by the Broads Authority, it is considered that the short-term impacts of the construction period on the ecological interest of the site can be satisfactorily mitigated by an appropriate mitigation plan and the existing biodiversity value of the site can be protected. As with the landscape proposals, the habitat management and enhancement proposals would result in long-term benefits and it is considered that the natural habitats would be enhanced.
- 7.5.5 It should be noted that the landscape and habitat enhancements proposed in the draft Plan are largely within North Norfolk District Council's area as the landscape impact of the proposal as a whole would be greater in that area to the west of Palmers Lane. The proposed measures are considered appropriate to compensate for the impact of the proposal as a whole on the Broads Authority area and it is understood North Norfolk District Council are also satisfied with the content of the draft proposals. It would be prudent for the final Conservation Management Plan to be agreed by condition in tandem by the two LPAs should both applications be approved. In the eventuality that the Broads application is approved but North Norfolk's is not, alternative measures could be agreed wholly within the Broads area, although an amendment to any approval is also likely to be necessary which would allow for a re-assessment of the scheme.

7.6 Amenity

- 7.6.1 The application site is located to the north of the ribbon of residential development along Horning Road and there are scattered, isolated dwellings around Long Lane to the north. By extending beyond the confines of the existing woodland, the operation of the proposed train does have the potential to adversely affect residential amenity as a result of the train engine, the train passing over the track, noise from the passengers and visual disturbance from the train passing.
- 7.6.2 The LPG train engine would operate at 72 decibels when stationary and 82 decibels when running at 10kph, it is however noted that the train is proposed to run at approximately 6kph. The noise generating by the train running on the track has not been quantified, but is anticipated to be relatively low due to the speed at which the train would travel. Amplified storytelling would be played within the train carriages, which would not be fully enclosed, and this is proposed to be set at a level that would not be audible outside those carriages.
- 7.6.3 The nearest house to the parts of the track within the Broads Authority area is on Long Lane, approximately 80 metres from the northernmost section of the track. This is the section between the disembarking platform and the station, so no passengers would be aboard the train at this point and although this is beyond the mature woodland, the existing trees in this area are maturing and will form an increasingly effective visual screen and audio buffer over time.
- 7.6.4 To the south, the section of the track where it emerges from the woodland near to the site office would pass through an open area before re-entering woodland to the east of Palmers Lane and this is over 200 metres from the residential development along Horning Road and the southern extent of Palmers Lane. The land drops away from Horning Road to the north and new planting is proposed to the southern side of the track, and it is considered this planting, combined with the existing topography, would mitigate any direct views of the train from these dwellings and the distance is considered sufficient to mitigate any unacceptable noise impact or visual disturbance to the occupiers of these properties.
- 7.6.5 The enjoyment of the open countryside by users of Palmers Lane would undoubtedly be disturbed when the train crosses, but access itself should not be disrupted. Although the train will introduce a sense of movement into the landscape which is not currently present, at any one point any noise or visual impact from the train would be transient and thus short-term. All impacts resulting from the operation of the train will be limited to the opening hours of the existing park (currently 10:00 to 17:30 but permitted to open 10:00 to 19:00 or dusk, whichever falls earlier on any day) and although the park is permitted to open year-round, its operation is currently seasonal. The Environmental Protection Officer at North Norfolk District Council has no objections and has recommended conditions and it is noted that no objections have been received regarding impact on

residential amenity. In isolation the train is not considered to result in any significant additional adverse effects on amenity and it is not considered that the cumulative impact with the existing park would result in unacceptable impacts on amenity in accordance with Development Management Policy DP28. Policy DP28 is not in full accordance with the National Planning Policy Framework as the detailed content of the policy is not covered in the Framework. However, the aim of the policy is broadly consistent with the Framework and it is considered weight can continue to be given to it. The proposal is therefore considered to be acceptable with regard to amenity, subject to appropriate conditions regarding operating hours, construction hours, amplified sound levels, restriction on external sounds and external lighting,

7.7 Traffic and Access

7.7.1 As an additional, and not standalone, feature to the existing park, it is not considered that visitors numbers at peak periods would increase significantly but that the train may attract additional visitors at off peak periods as the focus of specific events or activities. It is considered that the existing access and parking are adequate and it is noted that the Highway Authority have no objection subject to conditions regarding construction traffic.

7.7.2 Horning Parish Council have requested improvements are made to access the site by walkers and cyclists. There is an existing footpath along Horning Road between Hoveton and Horning and it is understood that this route features in the Three Rivers Way proposals. Given that the proposal would not significantly increase visitor numbers and there are existing pedestrian and cycle routes to the site, it is not considered reasonable to require further access improvements.

7.7.3 The train track would cross Palmers Lane, which, whilst outside the boundary of the Broads Authority Executive Area, contributes to a network of public rights of way that facilitate quiet enjoyment of the Broads. Subject to agreement that users of Palmers Lane have priority at the two train crossing points as a condition of any permission issued by North Norfolk District Council, it is not considered that use of Palmers Lane would be unacceptably affected. Further details of the traffic lights and any other mechanisms to halt the train to the east of Palmers Lane within the Broads area should be agreed by condition in consultation with Highways Authority and North Norfolk District Council. Subject to this, the proposal is considered acceptable with regard to access in accordance with Development Management Policy DP11.

7.8 Flood Risk and Pollution

7.8.1 The proposed buildings are all located in flood risk zone 1; however the majority of the track would be at risk of flooding in future when climate change is considered. Due to the boardwalk construction of the section most at risk, flood waters would not be impeded and flood storage would

not be lost. The Environment Agency have no objection subject to the LPA being satisfied the safety of users would be ensured by an appropriate warning and evacuation plan and the Emergency Planner at North Norfolk District Council has confirmed the proposed measures, if conditioned, will not increase risks. Surface water will drain away to natural watercourses and it is not considered that this would increase flood risk. The applicant is aware that separate consent from Norfolk County Council may be necessary where the track would cross existing ditches. Subject to conditions regarding the flood warning and evacuation measures, the proposal is considered to be acceptable in terms of flood risk in accordance with Development Management Policy DP29 and the National Planning Policy Framework.

7.8.2 LPG gas bottles to fuel the train would be stored in the existing compound at the northwest corner of the car park and the train would also be serviced from here. A mitigation plan to address oil and fuel storage and potential spillages or pollution incidents, as well as a strategy for the removal of potentially contaminated run-off and materials is proposed and it is considered necessary to agree this by condition. Subject to this the proposal is considered acceptable in accordance with Policy Development Management Policy DP3.

7.9 Design

7.9.1 Of the proposed buildings, the first station where passengers would board the train is the largest. This would replace the existing, much smaller food outlet and be within the mature woodland of the existing park. The proposed design, form and materials are in keeping with the existing character of the park and the uneven surface finishes and shingle roof would soften the impact of the scale, which in its context is not considered inappropriate.

7.9.2 The tunnel and disembarking platform would be located on the northern edge of the mature woodland, where the maturing tree planting is beginning to form a more robust visual screen to Long Lane. The platform would be relatively low level and therefore unobtrusive and the timber cladding and shingle roof to the tunnel would help assimilate it in the wooded backdrop when viewed from Palmers Lane and Long Lane. The pedestrian bridge would be well within the woodland of the existing park, screened from any public views, and would be in keeping with the existing structures in the park. The proposed buildings are therefore considered to be of an appropriate high quality design and materials to integrate effectively with their surroundings in accordance with Development Management Policy DP4.

7.10 Archaeology

7.10.1 There are records of crop marks and field boundaries in the vicinity of the proposed development that may be of Roman date and accordingly it is considered necessary to condition archaeological monitoring of the

groundworks. Subject to this, it is not considered that the proposal would affect any known heritage assets and is acceptable in accordance with Development Management Policy DP5 and the National Planning Policy Framework.

7.11 Relationship with proposed development in North Norfolk District Council's area

7.11.1 Implementation of the proposed development that is within the Broads Authority area is largely dependant on implementation of the whole route, however it is acknowledged that the track and associated development could be constructed independently. This would not however allow the operation of the train route as a continuous loop.

7.11.2 It is anticipated that the application being dealt with by North Norfolk is likely to be approved and that is due to be determined prior to the Committee meeting to determine this application. Any change in the proposal for the operation or route of the train within the Broads Authority area, including if that part within North Norfolk's area were not to be approved or implemented for any reason, would require the submission of a further planning application and it is considered that through this process and through the discharge of any conditions of a planning permission for the current proposal, the impacts of any changes could satisfactorily be assessed and addressed. As with the consideration of these two planning applications, continued close liaison between the two LPAs shall be necessary with the discharge of any conditions should the two applications be approved.

6 **Conclusion**

6.1 The application proposes the addition of a train ride attraction at an existing successful tourist facility and the proposal is considered acceptable in principle. The construction of the train track and operation of the train ride would, in the short term, adversely affect the landscape within and surrounding the site. However, in the longer term, the proposed mitigation and enhancement measures would result in benefits for the wider landscape and habitats that it is considered would satisfactorily compensate for any residual localised impacts and given that the proposal would support the continued operation of an existing facility and create new employment opportunities, it can be considered acceptable in accordance with Development Management Policy DP2.

6.2 In combination, the existing topography, existing screening, proposed landscaping and proposed conditions regarding the operation of the train are considered to satisfactorily mitigate any unacceptable impacts on amenity and, subject to conditions, the proposal is also considered acceptable in respect of ecology, flood risk, access, water quality and heritage assets.

6.3 The design of the proposed buildings and structures is consistent with the character of the existing park and considered to be of an appropriately high

quality. When viewed as a whole, although the proposal would extend beyond the existing boundaries, it is not considered an inappropriate addition to the park and that, subject to final agreement of the mitigation and enhancement measures across both the Broads Authority's and North Norfolk District Council's areas, long term landscape and habitat benefits would result.

- 6.4 The proposal is therefore considered to be acceptable in accordance with Policies DP1, DP2, DP3, DP4, DP4, DP5, DP11, DP14, DP27, DP28 and DP29 of the adopted Development Management Policies DPD, Policies CS1, CS9, CS11, CS16 and CS18 of the adopted Core Strategy and the National Planning Policy Framework.

7 Recommendation

- 7.1 Approve subject to the following conditions:

- (i) Standard time limit
- (ii) In accordance with approved plans
- (iii) In accordance with Arboricultural Methodology

Prior to commencement of any development

- (iv) Agreement of final Conservation Management Plan, including ecological mitigation measures for construction
- (v) Submission of arboricultural monitoring scheme
- (vi) Construction traffic management plan
- (vii) Wheel cleaning facilities
- (viii) External lighting

Prior to commencement of track construction

- (ix) Crossing details east of Palmers Lane
- (x) Scheme for archaeological monitoring
- (xi) Pollution mitigation and response plan

Construction

- (xii) Construction to be limited to 08:00 to 18:00 hours Monday – Saturday and 10:00 to 16:00 Sundays and Bank Holidays

Post-construction

- (xiii) Woodland re-planting to be agreed
- (xiv) Any new tree or shrub which within five years dies, is removed, becomes damaged or diseased shall be replaced
- (xv) Tree monitoring for five years post-completion, including submission of annual reports
- (xvi) Temporary storage area to be removed and area to be reinstated to former condition within 1 month of completion

Operation

- (xvii) Train ride shall operate between 10:00 and 19:00 or dusk, whichever falls earlier on any day

- (xviii) Amplified sound played within the train carriages shall be set at such a level that is not audible outside the train carriages
- (xix) No bells, whistles, hooters or other audio equipment shall be used on the exterior of the train
- (xx) Flood warning and evacuation plan
- (xxi) No access from Long Lane other than in accordance with condition 7 of permission BA/2012/0038/FUL
- (xxii) No colour treatment shall be applied to the tunnel or train platform without prior agreement with the LPA

8 Reason for recommendation

- 8.1 The proposal is considered to be acceptable in accordance with Policies DP1, DP2, DP3, DP4, DP4, DP5, DP11, DP14, DP27, DP28 and DP29 of the adopted Development Management Policies DPD, Policies CS1, CS9, CS11, CS16 and CS18 of the adopted Core Strategy and the National Planning Policy Framework.

Background papers: Application File BA/2013/0050/FUL

Author: Maria Hammond

Date of report: 9 May 2013

List of Appendices: APPENDIX 1 - Location Map

APPENDIX 1

**BA/2013/0050/FUL – Bewilderwood, Horning Road, Hoveton
Creation of narrow gauge train track (1.4km circuit) and associated works**

