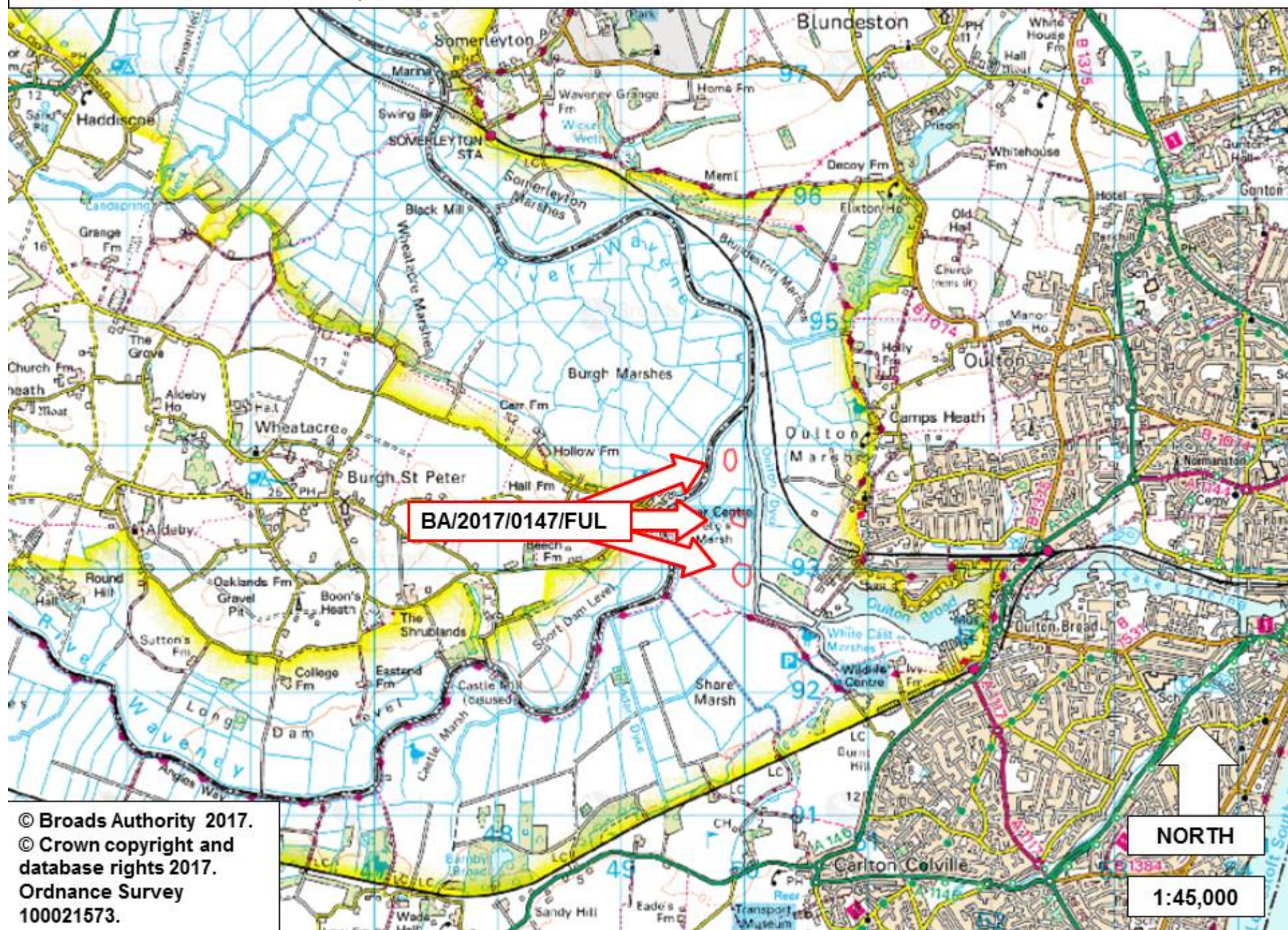


Reference:

BA/2017/0147/FUL

Location

Peto's Marsh (Compartment 28) Carlton Colville



Application for Determination

Parish	Carlton Colville		
Reference	BA/2017/0147/FUL	Target date	14.8.2017
Location	Peto's Marsh, Carlton Colville		
Proposal	The excavation of a series of ponds to provide material for adjacent flood defence improvements.		
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 covers an area of 33,900sqm of Peto's Marsh at Carlton Colville. Peto's Marsh is situated to the northwest of Oulton Broad. The northern extent of the marsh is defined by the junction between the River Waveney and Oulton Dyke. The western boundary of the site is defined by the River Waveney with Oulton Dyke running along the eastern boundary of the site. There is an existing flood defence bank running parallel to Oulton Dyke for the length of the site. Angles Way footpath runs along the southern boundary of the site.
- 1.2 The site itself is a flat area of marshland that was previously under arable cultivation but has now been allowed to revert to rough grassland. There are a number of foot drains running across the site. The land has recently been acquired for the Suffolk Wildlife Trust, who has a vision and plans for the future development and management of this area.
- 1.3 The closest built development is The Waveney River Centre, located approximately 0.5km away from the site, at the closest point, on the opposite bank (western bank) of the River Waveney.
- 1.4 The Sprat's Water and Marshes SSSI adjoins the site to the south east. The site is also adjacent to a Broadland Special Protection (SPA) and Ramsar site and a Broads Special Area of Conservation (SAC). Although not currently designated as a BAP Habitat the site has been identified as having high potential for future designation.

- 1.5 The site is situated in Flood Risk Zone 3 of the Environment Agency Flood Risk Maps.
- 1.6 The development for which planning permission is sought is for the creation of a series of ponds on the marshes to generate the material required by BESL to reshape and strengthen the existing floodbank that runs down the eastern boundary of the site. The works to the floodbank itself are not part of this application which is just concerned with the creation of the ponds.
- 1.7 There would be three ponds created close to the eastern boundary of the site and the floodbank. The northernmost pond would cover a maximum area of 128m by 148m and would have a maximum depth of 2m. The maximum volume of material excavated from this pond would be 20,300m³. The middle pond would cover a maximum area of 105m by 97m and would also have a maximum depth of 2m. The maximum volume of material that would be excavated from this pond would be 10,400m³. The southernmost pond would have a maximum width of 124m and a maximum length of 154m, again it would have a maximum depth of 2m. The maximum volume of material that would be excavated from this pond would be 24,850m³. The total maximum volume of material that would be generated by these excavations would be 55,550m³.
- 1.8 Suffolk Wildlife Trust have been fully engaged in the design process, with the aim being to return Peto's Marsh to a wetter reed bed environment with an extensive series of scrapes, ponds and dykes across the site. It is expected that the site would be dominated by tall reed vegetation interspersed with areas of open water, making it appealing for wildfowl.
- 1.9 The application states it is unlikely that the areas identified for excavation would be excavated to their full extent and it is likely that within the identified pond areas two or three discrete ponds would be dug rather than one large pond. The topsoil would be stripped from the excavation areas and stored. A layer of this would then be applied to the sloped edges of the ponds to help the establishment of marginal vegetation. The edges of the ponds would be of an irregular nature to give a more natural appearance. The pond edges would not be planted but would be allowed to re-establish through natural regeneration. There is likely to be a good seedbank within the topsoil that would be placed on the pond slopes that would help the revegetation to occur. Suffolk Wildlife Trust have identified this methodology as their preferred option.
- 1.10 Vehicular access to the site would be gained via the end of Burnt Hill Lane adjacent to the Suffolk Wildlife Centre then via an existing track across the marshes. A site compound for the works vehicles would be established in the south eastern corner of the site adjacent to the access track and Sutton's Dyke.

2 Site History

- 2.1 There is no planning history for this site.

3 Consultation

3.1 Broads Authority Ecologist

Supportive of the proposal subject to conditions requiring the submission of protected species mitigation and plans.

3.2 Broads Authority Landscape Consultant

Given the land-use history of Peto's Marsh and the future plans of Suffolk Wildlife Trust for the site, the proposals offer significant benefits for wildlife and visitors. Assuming the water bodies develop into naturally fringed/soft edged features, they should have a positive impact on the landscape.

3.3 Environment Agency

No objection.

A FRA prepared by BESL has been submitted. This shows that the development will be safe for its lifetime. The developers will register to receive flood warnings which we will issue and will contribute to the safety of the workers. We are satisfied that the development will not increase flooding elsewhere as the excavated material is being removed from the site and used to construct new flood defences.

3.4 Natural England

Based on the information provided in support of the application, Natural England's view is that the proposal is unlikely to have a significant effect on the adjacent Broadland Special Protection Area (SPA) and Ramsar site or the Broads Special Area of Conservation (SAC). We also consider that the proposal is unlikely to adversely affect Sprat's Water and Marshes, Carlton Colville Site of Special Scientific Interest (SSSI). We therefore have no objection to the proposal.

4 Representations

4.1 No Representations have been received on this application.

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

[Core Strategy Adopted September 2007 pdf](#)

CS1 Landscape Protection and Enhancement

CS2 Nature Conservation

CS4 Creation of New Resources

Development Management Policies

DEVELOPMENT PLAN DOCUMENT

DP1 Natural Environment

DP2 Landscape and Trees

DP11 Access on Land

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.

Core Strategy

CS20 Rural Sustainability

5.3 **Neighbourhood Plans**

There are no Neighbourhood Plans relevant to this site.

6 Assessment

- 6.1 In terms of the assessment of this application the main issues that need to be considered are: the principle of the development; impact on ecology; landscape impact; and flood risk.
- 6.2 In terms of the principle of the development, the scheme is driven by the need to strengthen and reshape the flood bank that runs along the eastern boundary of the site. The creation of these ponds, 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 Suffolk Wildlife Trust's medium to long term vision and plans for this area of marshland. 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 ponds 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. In the longer term the ponds are likely to provide increased habitat for water voles. 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 This area of marshland currently consists of rank vegetation that is dominated by grass species with some nettles, common reed and remnant arable species. It currently has limited value for most breeding birds, but there is the potential for ground nesting birds, such as skylark. The ponds have been carefully designed, in full consultation with the Suffolk Wildlife Trust, to maximise their appeal for wildfowl. The edges of the ponds would be irregular in nature to provide more complex edge habitats and would be allowed to revegetate naturally which would result in them being dominated by tall reed vegetation. The exact details of the area/areas, depth, profile and finishing of the ponds would be agreed with the Suffolk Wildlife Trust to be consistent with their overall masterplan for the site. Overall the scheme would see Peto's Marsh return to a wetter reed bed environment with an extensive series of ponds and dykes across the site. It is therefore considered that whilst this development is driven by the need to secure sufficient material to strengthen and improve the floodbank adjacent to the site, that the resultant pond scheme has been designed to maximise the biodiversity value of the area and create improved natural habitats. The scheme is therefore considered to be in full accordance with Policy DP1 of the Development Management Policies DPD.
- 6.6 Whilst the site is close to a Broadland Special Protection Area (SPA), Ramsar Site, Broads Special Area of Conservation (SAC) and the Sprat's Water and Marshes, Carlton Colville SSSI, Natural England has confirmed that the proposal is unlikely to adversely affect any of these designated sites. The proposal is therefore considered to be in accordance with the relevant sections of Policy DP1 of the Development Management Policies DPD and Policy CS2 of the Core Strategy.
- 6.7 In terms of landscape impact, Peto's Marsh is an area that was previously under arable cultivation but since a change in ownership has more recently been allowed to revert to rough grassland. The land is a very wet area of marsh with frequent standing water during wetter periods. The scheme is seeking to increase the area of open water present on the site and to increase the tall reed vegetation. The intention is for the waterbodies to develop into naturally fringed, soft edged features which would have a natural appearance and make a positive impact on the landscape of this site. These features are considered to be in keeping with the character of the surrounding landscape.
- 6.8 During construction there would be a temporary visual impact on the landscape from excavators and dumpers working within the marsh. There is also potential for the dumpers to form trackways of exposed earth through the marshes on the haulage routes used to transport the material to the floodbank. The application states that the effects of such trackways would be minimised firstly by working in drier weather conditions and secondly by harrowing and reseeding, as necessary, any bare earth left within the marsh at the completion of works. It is therefore considered that this proposal is in full accordance with Policy CS1 of the Core Strategy and Policy DP2 of the Development Management Policies DPD which seek to ensure that development would not have a detrimental effect on, or result in the loss of,

significant landscape heritage or a feature of landscape or ecological importance.

- 6.9 In respect of flood risk the site is located in Flood Risk Zone 3 of the Environment Agency's Flood Risk Maps. However the creation of the ponds and the improvements to the flood bank are considered to be water compatible in Table 2 of the Flood Risk Vulnerability Classification of the Planning Practice Guidance. In accordance with the requirements of the NPPF the Sequential Test has been applied to this application and the application has been accompanied by a brief Flood Risk Assessment. This Flood Risk Assessment shows that the development would be safe for its lifetime. The Environment Agency is satisfied that the development would not increase flooding elsewhere as the excavated material is being removed from the site and used to improve the flood defences. It is therefore considered that this application is in accordance with Policy CS 20 of the Core Strategy, Policy DP29 of the Development Management Policies DPD and the NPPF.

7 Conclusion

- 7.1 The purpose of this application is to generate sufficient material for the strengthening and re - profiling of the flood bank running along the eastern boundary of the site, which is part of the overall BESL flood defence programme. However it is acknowledged and welcomed that the opportunity has been taken to significantly improve both the biodiversity and habitat value of the land as well as make a positive contribution to the landscape. The scheme will assist the Suffolk Wildlife Trust in realising its long term plans and aspirations for this site.
- 7.2 The development proposed is considered to be in full accordance with the relevant Policies in the Core Strategy and the Development Management Policies DPD as well as the NPPF.

8 Recommendation

- 8.1 Approve subject to the following conditions:
1. Standard 3 year time limit for commencement
 2. In accordance with submitted plans an supporting documentation
 3. Survey, mitigation and enhancement of protected species
 4. Protected species checks
 5. Restoration of any areas of marsh damaged during construction

9 Reason for recommendation

- 9.1 In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with policies CS1, CS2, CS4 and CS20 of the Core Strategy and policies DP1, DP2, DP11 and DP29 of the Development Management Policies DPD (2011), as the development is considered an appropriate form of development, with no detrimental impact on ecology and designated sites or the landscape.

List of Appendices: Location Plan

Background papers: Application File BA/2017/0147/FUL

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Date of Report: 5 July 2017

