

Application for Determination

Parish: Loddon

Reference: BA/2013/0264/FUL **Target Date:** 17 October 2013

Location: Compartment 22, Right Bank of the River Chet, Downstream of Pyes Mill, Loddon

Proposal: Set back floodbank and associated material sourcing

Applicant: Environment Agency

Reason for referral: Major application

Recommendation: Approve with conditions.

1 Description of Site and Proposal

- 1.1 The current application site is situated on the south bank of the River Chet, downstream from the centre of Loddon. Pyes Mill amenity / picnic area is located immediate to the west which also provides 40 metres of Broads Authority 24 hour moorings and beyond this the land then opens up to countryside (see appendix 1 – location plan).
- 1.2 In May 2013, planning permission (BA/2013/0061/FUL) was granted for flood defence improvement on the south side of the River Chet (Compartment 22) from Nogdam End to Pyes Mill (at the western end). This permission was for a 4.2 km length of flood defence works including floodbank strengthening, roll back and set back, plus the associated creation of widened or new soke dykes to source most of the material required for the works. This permission included the area which is the subject of this planning application. However the precise detail of a 70 metre length of set back flood bank at the western end of the May 2013 consent (close to Pyes Mill) and the associated material sourcing for this set back bank was not specified. At that time BESL understood that the landowner was going to submit a separate planning application for the excavation of a mooring basin and that this would offer a supply of material for the southern set back floodbank aspect of the work. BESL explain that *'unfortunately, due to a misunderstanding, the excavation of material was not included with the landowner's application. Subsequently it was agreed that it would be better if the Project applied for the excavation of material and that if this was successful then the mooring basin application would be for a change of use and the detailed design'*.

- 1.3 To address the shortfall and to supply sufficient material for the flood defence improvements, this application seeks consent for material sourcing from an area 32 metres in length by 16 metres in depth set back from the current rivers edge (with the material gained to be used for flood defence purposes including the southern floodbank formation plus back filling of existing sokedykes along the River Chet close to Pyes Mill).
- 1.4 The application proposal will involve the following:
- Phase 1 - Excavation of material from behind the existing bank to construct the new setback bank;
 - Phase 2 - Removal of the frontage piling and old bank. The bank will initially be lowered to mean high water level (as is typically done in setback areas in order to provide a visible, reeded fringe to the edge of the navigable channel). To create a mooring basin, then further material will be excavated to bed level.
- 1.5 BESL propose local material sourcing in this application as without this there would be a need to import some 1200 tonnes of clay, which would need to be brought to the site via narrow roads (with no footpath provision) with residential properties close by.
- 1.6 The application proposes no change to the existing amenity / picnic site or mooring at Pyes Mill. The site also falls outside any Conservation Area or Listed Building.
- 1.7 A separate planning application has been submitted by the landowner for the creation of a mooring basin (reference no BA/2013/0163/FUL). This is the subject of a separate planning application (discussed later on this agenda).

2 Planning History

BA/2013/0061/FUL Flood defence improvement works including floodbank rollback, soke dyke excavation for material sourcing and associated engineering works. Approved May 2013.

BA/2013/0163FUL Construction of timber walkways, new gravel car park and approval for 2no. public moorings and 7no. private moorings. To be determined.

3 Consultations

3.1 Loddon Parish Council – Approve.

Chedgrave Parish Council – Awaited.

Broads Society – No objections.

NCC Highways – No objection. It is noted that this is effectively a supplementary application to application BA/2013/0061/F (approved), and covers the sourcing of material for the proposed flood works. In this respect the Highway Authority has previously commented on the proposed access routes etc, and given that the preferred option is local sourcing of material, these comments remain unchanged. I would, however, add that the sourcing of material locally, whilst still requiring initial set up and removal of plant, it does benefit the local highway network in that it negates the need for daily haulage of materials, the estimate in this case being 60 lorry movements during the course of the works.

NCC PROW – Awaited.

Environment Agency – No objection.

Broads IDB – Awaited.

Natural England - No objection.

SNDC – EHO – Awaited.

NCC Historic Environment Service – Awaited.

NSBA – Awaited.

4 Representations

- 4.1 The Navigation Committee considered this proposal and mooring basin proposed at their meeting on 5 September 2013. At this meeting the (draft) minute states they supported the application subject to conditions:

Members noted that the proposed site was situated on a bend in the River Chet on a fairly narrow point in the navigation, with the river being approximately 15m in width at this location. The intended BESL flood bank construction might also limit visibility between the basin and the channel.

Members noted that the landowner would be responsible for the maintenance and dredging of the basin.

The potential for further moorings in the system was welcomed, though there was concern over the length of boats that should be permitted to moor at this location given the width of the river and potential visibility issues. The Committee therefore supported the application on the condition that a restriction was placed on the length of boats permitted to use the moorings; limiting this to a maximum of 10m.

- 4.2 No other representation has been received on this application.

5 Planning Policy

- 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.

Core Strategy (CS) (2007)

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

Policy CS1 – Landscape protection and enhancement

Policy CS3 – Navigable water space

Policy CS4 – Creation of new resources

Development Management Plan DPD (DMP) (2011)

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

Policy DP1 – Natural environment

- 5.2 The following policy has been assessed for consistency with the NPPF and has been 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.

Development Management Plan DPD (DMP) (2011)

Policy DP28 - Amenity

- 5.3 Material Planning Consideration

National Planning Policy Framework (NPPF) (2012)

[NPPF](#)

6 Assessment

- 6.1 The application proposals are sought to enable flood defence works granted consent in May 2013 to take place at the western end of the compartment without the need for clay importation. This application is submitted for local material sourcing and needs to be determined separately from the proposal to create new moorings following this work (which is the subject of a separate planning application). As the site will not impact on the existing mooring available adjacent to the Pyes Mill picnic and amenity area and is not in an area with a heritage designation (i.e not falling within Conservation Area, Schedule Ancient Monument or close to a Listed Building), it is considered that the main issues for Members to consider relate to:

- Impact landscape and ecological value;
- Impact on navigation considerations; and
- Impact on amenity.

- 6.2 The application provides the detail of a new set back floodbank close to Pyes Mill and seeks permission for material sourcing. These proposals are in an area of limited ecological value. The new floodbank would need to be planted to ensure early re-vegetation to create a natural appearance (and experience of flood defence works throughout the Broads area is that BESL are very successful in creating a natural appearance in a short period based on their replanting techniques). Early re-vegetation in this location is considered very important as prominent views exist into the area from the well used footpath on the north side of the River Chet and the adjacent popular Pyes Mill picnic / amenity area (with its Broads 24 hour mooring).
- 6.3 The excavation will create a greater area of open water and this could be suitable for use as additional mooring. However, this application does not seek this use and it is considered that the appearance of the proposed development following the completion of material sourcing will provide a satisfactory natural appearance. It is noted that Natural England has raised no objection. Overall, it is considered that the proposal meets the ecological and landscape aims of development plan Policies CS1, CS4 and DP1.
- 6.4 The material sourcing will result in the need for removal of piling once the new bank is established (rather than driving of piles into the river bed – as proposed elsewhere in compartment 22). Whilst the scheme proposes only limited change to a short section of river, it is still important to retain control over the works to protect navigation interests in this busy boating area. Therefore it is considered necessary to impose planning conditions to restrict and control the timing and nature of the development to protect navigation interests (and meet the aspirations of development plan policy CS3) and the following conditions are proposed:
- No piling removal without the written consent of the Local Planning Authority (it is however considered this would provide a satisfactory level of control and it would be unreasonable to withdraw permitted development rights for pile removal for such a short length of pile removal);
 - Installation of navigation markers; and
 - Phasing / timing of works to be agreed (to avoid any water based works during peak season).
- 6.5 The proposal will provide material to assist in flood defence works. To undertake this work, only limited additional traffic will be generated (occasional works traffic associated with site set up, etc). The excavated material will have the benefit of ensuring that additional material will not need to be imported to the site by road. Access to the site is via a very narrow road (passing residential properties in places). Whilst occasional construction traffic may use Pyes Mill Lane, this proposal will ensure that 20 tonne lorries importing clay to the area will not be required. Therefore it is considered that the amenity impact will be limited and will be significantly less than the impact of clay importation lorries (should material importation have been required). Therefore it is considered that amenity impact will be limited and meet the aspiration of development plan Policy DP28.

7 Conclusion

- 7.1 Based on these factors, it is considered that the proposal is consistent with development plan policy and will not have any unacceptable impact on landscape, ecological, amenity or other considerations.

8 Recommendation

- 8.1 Subject to no substantive representation/comment being raised from any outstanding consultees, this planning application be approved subject to the following conditions.

- Standard time limit condition
- Submitted plans / details
- Landscape/planting
- Site access / delivery route
- Navigation / channel / hazard markers
- Hours of working
- No pile removal without written consent
- Phasing / timing of works.

- 8.2 The following informative be specified on the decision notice of the planning application:

- The permission shall be granted in the context of the Memorandum of Understanding between the Broads Authority and the Environment Agency on 25 April 2003.
- Works may need separate flood defence consent from the IDB for filling of a soke dyke and construction of any replacement access culvert.

Background Papers: Planning File BA/2013/0264/FUL

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Date of report: 25 September 2013

Appendices: APPENDIX 1 - Location Plan

APPENDIX 1

BA/2013/0264/FUL - Compartment 22, Right Bank Of The River Chet, Downstream Of Pyes Mill, Loddon
Material sourcing required for a 70m length of setback floodbank

