

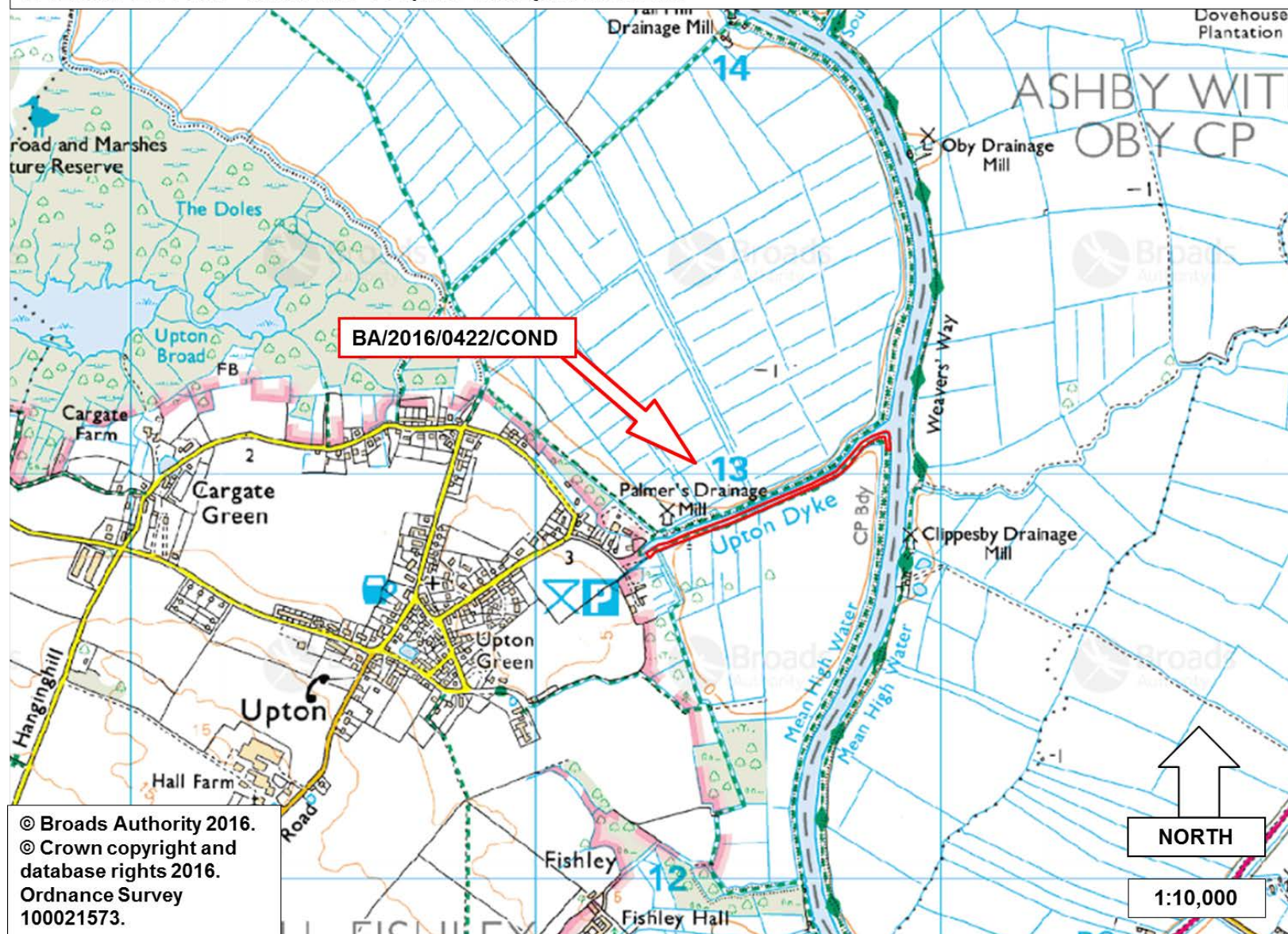
Reference:

BA/2016/0422/COND

Location

Compartment 37 South Side of Upton Boat Dyke,
River Bure, Upton-w-Fishley

BA/2016/0422/COND - South Side Of Upton Boat Dyke, River Bure



Application for Determination

Parishes:	Upton-w-Fishley
Reference:	BA/2016/0422/COND Target Date: 13 January 2017
Location:	Compartment 37 – South side of Upton Boat Dyke
Proposal:	Variation of condition 1 of planning permission BA/2015/0364/FUL to supplement drawing WNCFSH/420/002/O with WNCFSH/420/002/A to allow removal of piling and realignment of floodbank close to existing culvert (chainage 3962 to 3980)
Applicant:	Environment Agency
Reason for referral:	Variation to major application
Recommendation:	Approve with conditions

1 Background

- 1.1 The application site is on the south side of Upton Dyke which is located to the west of the River Bure (see Appendix 1).
- 1.2 In November 2015, a planning application was submitted for 'driving / removal of piling along the southern bank of Upton Dyke, re-grading the dyke edge and the original bank, and crest raise existing bank with the material gained from the old bank' (ref no BA/2015/0364/FUL). The application proposed pile removal (via driving piles into the bed of the dyke) for much of the south side of Upton Dyke. However, the works proposed excluded a short section of piling (some 18 metres) close to a culvert. The location of this culvert is approximately halfway between the head of the dyke and the river. It is marked by an IDB drainage dyke running perpendicular to the boat dyke and the culvert itself, which consists of a pipe that goes underneath the boat dyke to allow water to join the drainage dyke network on the other side. The floodbank also makes a kink at this point as it passes around the drainage dyke and associated culvert headwall.
- 1.3 Members may recall that the 2015 application was subject to a Member Site Visit before Committee authorised conditional approval in February 2016. Following further local engagement by BA Officers and BESL, the decision notice was issued in September 2016 (and pre-commencement condition requirement details were approved in November 2016).
- 1.4 BESL have now been informed of a recent decision by the IDB to improve the culvert that runs under Upton Dyke to avoid a 'kink' in the floodbank and to allow the adjacent piling to be removed at the same time as the BESL piling removal scheme. This will not affect the function of the pipe that passes under the boat dyke

that allows water to join the drainage network on the other side of the Dyke.

- 1.5 This new application therefore proposes a variation to the approved scheme (with a supplementary drawing). In summary, the change proposes the extension of the culvert pipe to allow the floodbank to be rolled back to follow the same alignment as the bank either side (to the east and west) straightening the floodbank alignment. This will then also allow the river edge piles to be removed rather than retaining them as shown in the original drawing.
- 1.6 The 2015 application highlighted that the approach to pile removal would follow the following process:
 - Before the piles are driven, any walings and tie rods are removed and a wedge of material is excavated from behind the piles
 - The original floodbank will be re-graded prior to pile removal
 - The exposed pile edge will be driven vertically into the river bed (unless ground conditions prevent and in this case the pile will be extracted); this leaves a new river edge from the river bed to the top of the old floodbank (formed of a 1 in 2 slope)
 - Removal of the old bank down to mean high water spring level in order to form a reeded road in front of the new rollback bank
- 1.7 Pile removal is proposed to immediately follow the roll back of the flood bank adjacent to this area. Material for the roll back floodbank is to be sourced from material secured from pile driving works elsewhere in the Dyke (notably in the eastern part of the Dyke). In the position where the pipe passes under the Dyke, the piles will be extracted (not driven) to ensure no damage to the pipe.
- 1.8 BESL consider that the proposal will be a significant enhancement as it will improve navigation by removing what would have been a narrow pinch point in the channel and make the resulting reeded boat dyke edge straight.
- 1.9 It is proposed that piling removal works will be undertaken at the same time as the works approved in the earlier planning application. Erosion protection will be installed to match that already approved and all erosion monitoring and mitigation will mirror that agreed in the earlier consent.

2 Planning History

- 2.1 The following applications are particularly relevant:

BA/2008/0089/FUL (Comp 37) - Flood defence works comprising of maintenance, strengthening, rollback and set back of flood bank, installation of erosion protection and piling, retention of existing piling, future removal of existing piling and provision of a temporary site compound. Permanent diversion of public footpath to remain on the crest of the new bank. Approved September 2008

BA/2015/0364/FUL - Driving / removal of piling along the southern bank of Upton Dyke, re-grading the dyke edge and the original bank, and crest raise existing bank with the material gained from the old bank. Approved September 2016

- 2.2 The pre-commencement condition details (which required details to be agreed prior to works commencing were approved in November 2016).

3 Consultations

- 3.1 Upton –w- Fishley Parish Council The parish councillors decided to record no objections to the plans. They were pleased to hear that improvements are to be made to the culvert, meaning that the dyke can be straightened out at this point.

They have always had concerns about the vulnerability of the drain at this point, but are happy to accept the advice of the various engineers that this improvement will be sufficient, presuming that any issues will be rectified.

Broads Society – Awaited.

NCC Highways – No objection.

NCC PROW – Awaited.

Environment Agency – Awaited.

Water Management Alliance – Awaited.

Natural England – No comment.

RSPB – Awaited.

NCC Historic Environment Service – Awaited.

Broadland DC Environment Health Officer – Awaited.

NSBA – Awaited.

4 Representations

- 4.1 The Navigation Committee considered the application proposal at their meeting on 15 December 2016. They noted the amendment to the approved scheme and considered that this represented an improvement on the existing situation. No objections were raised.
- 4.2 No other representation has been received to date.

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 - Navigation
Policy CS4 – Creation of new resources
Policy CS15 – Water space management

Development Management Plan DPD (DMP) (2011)
[DMP_DPD - Adoption_version.pdf](#)

Policy DP1 – Natural environment

- 5.2 The policy below has also been assessed for consistency with the NPPF and has been found not to be reflected in the NPPF; so full weight cannot be given in the consideration and determination of this application.

Development Management Plan DPD (DMP) (2011)

Policy DP13 – Bank protection

- 5.3 Material Planning Consideration

National Planning Policy Framework (NPPF) (2012)
[NPPF](#)

6 Assessment

- 6.1 The application effectively seeks permission to supplement the current approved drawings linked to consent 2015/0364/FUL to allow the works (outlined in para 1.5) to take place on an additional short section of the existing flood defences (with the other conditions imposed on the earlier remaining unchanged). Whilst the previous planning application raised significant local concern and objection, in approving the consent in February 2016 the Committee fully assessed all these considerations.
- 6.2 In relation to this application, the Committee need to consider the merits of the proposed revision on this short section of the current defences.
- 6.3 The application has been devised by BESL, in consultation with the IDB, with an approach adopted that should ensure that the drainage function of the system will remain unchanged and that the pipe that passes under the dyke will not be compromised, notably by BESL extracting piles close to this pipe rather than driving into the ground (to avoid potential damage to this under dyke pipe) .
- 6.4 The approach proposed will offer the opportunity to remove a pinch-point in the dyke and it is considered that this should benefit navigation, given the current limited width of the dyke at this point. This is consistent with the aims of development plan policy CS3. The piling is no longer needed for erosion protection purposes and its removal (subject to the imposition of suitable planning conditions) and associated roll back of the floodbank would deliver flood defences in a more sustainable manner (consistent with an aspiration of policy CS4).
- 6.5 The changes on the south side of Upton Dyke with the removal of the hard piled edge (no longer required for erosion protection purposes) will provide a more natural reeded edge to the Dyke. It is considered that the completion of pile removal in the Dyke will enhance the appearance in the landscape creating a more natural environment, consistent with development plan policies CS1 and DP1.
- 6.6 The approved scheme recognises the potential for erosion and siltation associated with flood defence and pile removal works in the dyke. BESL have devised works in this part of the dyke to limit such risk (and associated adverse impact on water depths in the Dyke) notably in relation to the profile of edge where pile removal is proposed. In addition, the proposed variation will ensure that the previously agreed

erosion monitoring and mitigation measures associated with the remaining works in Upton Dyke will apply. Therefore, it is considered that the proposed additional works, subject to the imposition of conditions, will accord with the water space management aspirations of development plan policy CS15.

7 Conclusion

- 7.1 Proposals in this area have previously been contentious in relation to pile removal. However, in this case it is considered that the realignment of the floodbank in this location and the removal of piles will remove a pinch point in the dyke and deliver a benefit for navigation. This is considered to meet the key tests of development plan policy.

8 Recommendation

- 8.1 Subject to no substantive representation / comment being raised from the outstanding consultees, this planning application be varied to allow the floodbank to be re-aligned and the piling removed (with all other planning conditions imposed on 2015/0364 remaining unchanged).
- 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.

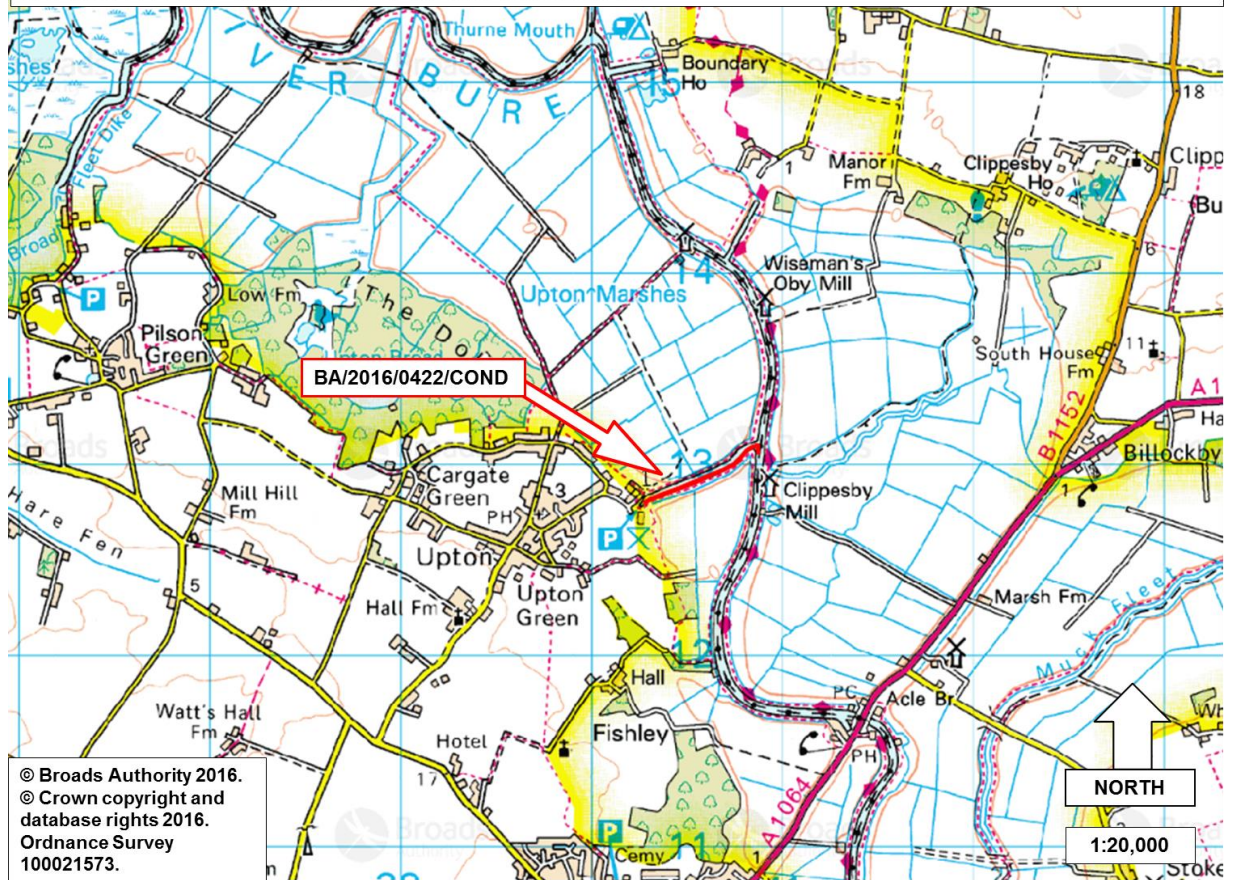
Background Papers: BA/2016/0422/COND

Author: Andy Scales
Date: 19 December 2016

Appendix APPENDIX 1 - Location Plan
APPENDIX 2 - Photograph of application site

APPENDIX 1

BA/2016/0422/COND - South Side Of Upton Boat Dyke, River Bure





APPENDIX 2 – Aerial photo of Upton Dyke