

Planning Committee

26 April 2024

Agenda item number 7.1

BA/2024/0052/FUL — Langley with Hardley Parish - Land to south-west of Hardley Flood- Repairs to two foot bridges and provision of access ramps

Report by Planning Officer

Proposal

Repairs to two foot bridges and provision of access ramps. Use of existing hardstanding as temporary site compound.

Applicant

Mr Andrew Middleton - Norfolk County Council

Recommendation

Approval with conditions

Reason for referral to committee

Director's discretion

Application target date

11 April 2024

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1. Description of site and proposals

- 1.1. The subject comprises a pair of footbridges which are located on the northern riverbank of the River Chet, to the south-west corner of Hardley Flood, approximately 1km to the east of the village of Chedgrave. The footbridges form part of a public footpath which itself forms part of the Wherryman’s Way, a historic footpath between Great Yarmouth and Norwich. The specific section of footpath in question is Loddon Footpath 4.
- 1.2. The footbridges provide access across dykes or inlets which form part of the wider Hardley Flood system; they link sections of the riverbank to provide a continuous footpath along the northern bank of the River Chet from the confluence with the River Yare to the east, to the village of Chedgrave to the west.
- 1.3. The subject footbridges have been closed for nearly 10 years due to safety concerns, which means that the Hardley Flood section of the Wherryman’s Way has been closed to the public for that period. A lengthy diversion of the public footpath is in place and this includes a section along Hardley Road with no pedestrian provision. No reasonable views of Hardley Flood are possible from the diverted footpath section, and no access to the Parish Council bird hide located on the southern bank of Hardley Flood.
- 1.4. The proposed works to the bridges comprise the following:
 - Bridge 1 - substructure reinforcement, new handrail north side, new ramp access with handrail to both bridge approaches.

- Bridge 2 - decking repairs and new ramp access to bridge approaches with handrail.
- 1.5. An existing hardstanding area approximately 1.5 km to the north-east of the subject bridges would be utilised as a temporary site compound. Due to the remote nature of the bridges all construction materials would be delivered by boat. The hardstanding area is adjacent to a section of private moorings which would allow transfer of materials and plant by river to the bridge locations.
 - 1.6. Hardley Flood comprises a 50 hectare area of tidal lagoon and reedbeds. It is separated from the River Chet, which runs parallel to its southern bank, by a narrow band of land with a width of between 5 metres and 40 metres. Hardley Flood is designated a Broadland Ramsar site and is part of the Hardley Flood SSSI, the Broads SAC, and Broadland SPA. The site lies within flood zone 3. The site is not within a conservation area.
 - 1.7. It is noted that there are four footbridges along the footpath to the south of Hardley Flood, the two subject footbridges, and two footbridges further east along the footpath. The works to the two subject footbridges are part of Phase 1 of the overall repair/replacement works, the other two footbridges are part of Phase 2 which will be submitted for planning consideration at a later date. The full re-opening of this section of the Wherryman's Way will not be possible until Phase 1 and Phase 2 works are complete.

2. Site history

- 2.1. None.

3. Consultations received

Langley with Hardley Parish Council

- 3.1. The Council discussed this planning application at their meeting on 5 March 2024. The Council considers the planning application should be refused. Whilst the Parish Council are supportive of Phase 1, the works to enhance the length of footpath between Chedgrave Common and the bird hide, Phase 2 causes considerable concern.
- 3.2. Phase 2, past the bridge, has been isolated due to bridge failure and has effectively rewilded over time and the habitat has become particularly important to multiple notable and protected riparian species. The report states that "Any proposals which result in the re-instatement of the full footpath length are considered likely to result in significant disturbance to the relevant species. This would be considered likely to represent a permanent significant negative adverse effect upon at least some individuals, and potentially at population level".
- 3.3. The Parish Council's Biodiversity policy is to encourage and protect wildlife for the Parish and it would appear this planning application would have the reverse effect on these protected species.

- 3.4. Extract from draft minutes of the Langley with Hardley Parish Council meeting held on 5 March 2024.

18. Planning:

To receive new planning applications and make comment, To receive results and updates on outstanding applications.

ai) BA/224/0052/FUL Repair to footbridge on Footpath, Hardley Flood.

As Council discussed this application it was recognised that rare, protected mammals will lose their habitat and there are no identified mitigation measures in Phase 2 of the project. This is inconsistent with the biodiversity plan that the Council has recently adopted. Phase 1, the footpath to the current bird hide, will be great for wellbeing and opening up this part of the Wherryman's Way will be a benefit to residents and visitors alike. Not going ahead with Phase 2 will mean that there will be no circular route but opening up the circular route again will destroy the habitat that the mammals have adopted as their home over the prolonged period this part of the route has been closed to the public. Councillors voted on the recommendation to submit comments to the Broads Authority that support the proposals to re-open the route to the Bird hide (Phase 1) but no further to protect the habitat of the rare mammals (Phase 2). Vote for: 4. Vote Against 1. Carried. Clerk to inform the Planning Authority.

Environment Agency

- 3.5. Thank you for your consultation dated February 16 2024. We have reviewed the documents, as submitted, and have no objection providing you have taken into account those flood risk considerations that are your responsibility. We have highlighted these in the flood risk section below. Our letter also includes information relating to ecology.

Flood Risk

- 3.6 The Greater Norwich Strategic Flood Risk Assessment (SFRA) indicates that the site lies in indicative Flood Zone 3b, the functional floodplain. The proposal is for repairs to two existing footbridges and the provision of access ramps which is classified as water compatible development in Annex 3: Flood Vulnerability Classification of the National Planning Policy Framework (NPPF). In accordance with paragraph 079 of the Planning Practice Guidance: Flood Risk and Coastal Change, water compatible development within Flood Zone 3b (functional floodplain), must be designed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

- 3.6. As the proposals are for repairs to existing structures, the development will result in a negligible loss of floodplain storage and will not significantly impact water flows. As a result, flood risk elsewhere will not increase. To ensure that the site remains safe for users during construction, an Emergency Flood Plan must be prepared and submitted

to the Local Planning Authority for review. It is your responsibility to review this plan and determine its appropriateness. Flood Risk Activity Permit (FRAP)

- 3.7. A Flood Risk Activity Permit (FRAP) application has been submitted to the Environment Agency for this development. Construction must not commence until a FRAP has been granted and issued to the applicant.

Safety of Inhabitants - Emergency Flood Plan

- 3.8 The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new developments in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

Other Sources of Flooding

- 3.8. In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Ecology

- 3.9. We have no objection provided all mitigation and methodologies set out in the submitted Habitat Regulations Assessment are strictly adhered to. The works appear to be a like for like replacement, with additional access and safety enhancements being suggested. The original footprint of these bridges will not be modified or extend further into the river channel or alter the flow, therefore the risk to impacting on migratory fish species in the area is generally considered low. The screening report has shown that migratory species such as river lamprey, European eel, and smelt are present in this location on the River Chet. This location is also known to have resident populations of coarse fish species such as bream, pike, roach, and chub present.
- 3.10. Migratory species will be moving up the river during the spring (typically from March to June) and coarse fish breeding season is from 15 March to June 15 (inclusive), so the proposed piling should not be installed during these dates so as not to interfere with the lifecycles of these species. Excessive vibrations from installing piling can negatively impact on these species during the breeding season.

Norfolk County Council Public Rights of Way

- 3.11. We have no objection in principle to the application but would highlight that the Public Rights of Way, known as Loddon Footpaths 4 and 5, and Langley-with-Hardley Footpath 5 will require a Temporary Closure Order. We require that the legal Temporary Closure Order and the diversion route are both in place for the duration of the proposed works.

BA Ecologist

- 3.12. A Habitat Regulations Assessment (HRA) has been undertaken. The Appropriate Assessment concludes that the project proposal works, both as a stand-alone project and in-combination with other projects, will not result in any Likely Significant Effects (LSE) on habitat sites with the mitigation and precautionary measures detailed.

BA Project Support Officer

- 3.13. Works Licence required. No objection to planning approval.

BA Tree Officer

- 3.14. All the proposed works are considered good arboricultural practice aimed at allowing unhindered access for users of the public footpath and associated maintenance.

4. Representations

- 4.1. Two representations were received in support of the application as follows:
- The Broads Society fully supports the application for the repair works to the path and bridges south of Hardley Flood in order to re-open this part of the Wherryman's Way. This is an important part of the footpath network within the Broads area and it is hoped that this work can progress as soon as possible.
 - The restoration of this path will allow both locals and visitors to enjoy this part of the river and to enhance the Wherryman's Way back to its former route. This in turn will help local businesses with increased footfall. The benefit of enjoying fresh air and nature in these difficult times are well documented. These plans should be supported by everyone.
- 4.2. One representation was received seeking clarification about the route for vehicles delivering materials, with concern expressed regarding use of Pitts Lane. The site location plan was provided and assurance that the site compound was to the opposite side of Hardley Flood to Pitts Lane.

5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
- DM5 - Development and Flood Risk
 - DM13 - Natural Environment

- DM16 - Development and Landscape
- SP9 - Recreational Access around the Broads
- DM23 - Transport, highways and access
- DM43 - Design
- DM46 - Safety by the Water

5.3. Material considerations:

- National Planning Policy Framework
- Planning Practice Guidance

6. Assessment

- 6.1. The proposal is for the repair of two footbridges on Loddon Footpath 4 which forms part of the Wherryman's Way footpath; the works also include improved ramp access. The main issues in the determination of this application are the principle of development, the design of the bridges and their appearance in the landscape, ecological issues and designated sites, public right of way access, and flood risk.

Principle of development

- 6.2. The principle of development is accepted as the bridges form an essential part of the wider footpath provision along this section of the River Chet. The re-opening of these bridges would allow part of the historic route of the Wherryman's Way footpath to be reinstated and provide access for members of the public to the edge of Hardley Flood. The works would also improve the accessibility of the bridges through the provision of better ramp access to them, and, in turn the wider footpath provision. This is in line with Norfolk County Council's obligations under the Equality Act (2010). The proposal has clear and demonstrable public benefits and would facilitate the appreciation of Hardley Flood. The proposal is therefore considered acceptable with regard to Policies SP9 and DM23 of the Local Plan for the Broads.

Design and landscape

- 6.3. The existing bridges have been in place for a number of years and are considered to be an established part of the landscape and river scene in this location. The works to the bridges predominantly comprise the repair or like-for-like replacement of defective elements such as decking planks and handrails, and the provision of improved access through removal of the steps to the bridges and provision instead of a short, timber access ramp. Bridge 1 is in a poor state of repair and requires reinforcement through a new alternative support frame to the bridge substructure to support the bridge load. This would comprise steel bearing piles driven into the channel as close as is practical to the existing timber piles and installation of a rectangular frame to the underside of the superstructure beams which would be fixed to the H piles. In addition, a new handrail

to the northern edge of the bridge is proposed, and replacement timber fender and pilings.

- 6.4. The proposed works would not alter the design or appearance of the bridges, and the use of matching materials would ensure that the established appearance of the bridges is maintained. The change from steps to ramps would be a marked improvement in terms of accessibility, the use of timber would ensure a suitable appearance in terms of the existing bridges and their setting. The new support structure would include steel piles and frame which would be predominantly unseen from the footpath and bridges but would be visible in part from the river. The use of steel for the supporting structure would provide a measure of longevity which, given the existing issues with the bridges, is considered to be reasonable, and the resulting appearance, given low level of the supporting elements and the natural weathering process, along with the prevalence of timber for the rest of the structures, would ensure that the overall appearance of the bridges is satisfactory.
- 6.5. Taking into account the above assessment, the proposed works to the two bridges are considered acceptable with regard to their design of the bridges, and their appearance in the landscape and river scene, with regard to Policies DM16 and DM43 of the Local Plan for the Broads.

Ecology and designated sites

- 6.6. The application site is within an area covered by a number of important designations and the proposal requires a Habitat Regulations Assessment and an Appropriate Assessment to evaluate whether the proposed works would have a significant impact on the protected features of the designated sites.
- 6.7. The BA Ecologist has described the main habitats within the proposal area as comprising areas of marginal vegetation and swamp on both riverside and lakeside of the path, with a narrow strip of tall ruderals and semi-improved grasslands, with small areas of scrub, and woodland. There is suitable habitat available on the site to support birds, bats, molluscs, and riparian mammals.
- 6.8. A preliminary ecological appraisal, riparian mammal survey, mollusc survey, and the Appropriate Assessment have been submitted in support of the application. The Appropriate Assessment concludes that the project proposal works, both as a stand-alone project and in-combination with other projects, will not result in any Likely Significant Effects (LSE) on habitat sites, subject to the mitigation and precautionary measures detailed.
- 6.9. The BA Ecologist has considered Biodiversity Mitigation and detailed requirements for method statements and supporting plans that will need to be provided before the works commence. It will be necessary to secure this information by planning condition and this has been discussed with the applicant. The response from the BA Ecologist has considered pollution prevention, biosecurity, molluscs, otters, breeding birds and SPA breeding birds, and reptiles and amphibians. The information provided will inform the

planning conditions and informatives which will be necessary to ensure that the proposed works do not result in unacceptable impacts on protected species and habitats.

- 6.10. The Wherryman's Way project has a number of sites that are being developed to reclaim access for the public. Further information was requested regarding these projects. This has been provided and this has confirmed that an assessment of in-combination effects by the LPA will not be necessary.
- 6.11. The comments from Langley with Hardley Parish Council are acknowledged. It has commented on the basis of the overall project to re-open the footpath which runs along the south of Hardley Flood, this comprising two phases. This current application is for Phase 1 works only. The Parish Council has responded positively to Phase 1. The comments regarding Phase 2 are noted, but the Phase 2 works will require a separate application and will be assessed on its own merits. With regard to this application the LPA are satisfied that the Parish Council has clearly expressed support for Phase 1 and this formed part of the minutes of their meeting.
- 6.12. Subject to conditions to secure appropriate method statements and supporting information it is considered that the proposed works are considered acceptable in relation to impacts on ecology, biodiversity, and designated sites, and is therefore acceptable with regard to Policy DM13 of the Local Plan for the Broads.

Highways and public rights of way

- 6.13. The application has been considered by the Norfolk County Council Public Rights of Way team who confirmed no objection in principle to the proposed works. They have highlighted that the Public Rights of Way, known as Loddon Footpaths 4 and 5, and Langley-with-Hardley Footpath 5 will require a Temporary Closure Order. The legal Temporary Closure Order and the diversion route must both in place for the duration of the proposed works. This will be stipulated by condition. It is noted that Loddon Footpaths 4 and 5 are currently closed due to poor state of repair of the bridges which are the subject of this application, and Langley-with-Hardley Footpath 5 is also closed in part for the same reason. The existing diversion along Hardley Road and then along Langley-with-Hardley BR7 and Langley-with-Hardley Footpath 8 will be retained for the duration of the works.

Flood risk and aquatic species

- 6.14. The application has been considered by the Environment Agency (EA) as although comprising predominantly repair works, the site is adjacent to the River Chet. The EA responded raising no objection subject to flood risk considerations. The site is in Flood Zone 3b, the functional floodplain, however the proposed works are classified as water compatible development. The EA have advised that there will be a negligible loss of floodplain storage and the works will not significantly impact water flows, therefore flood risk elsewhere will not increase. To ensure that the site remains safe for users

during construction, an Emergency Flood Plan must be prepared, this will be secured by planning condition.

- 6.15. With regard to migratory aquatic species, the EA advise that these will be moving up the river during the spring (typically from March to June) and coarse fish breeding season is from 15 March to 15 June (inclusive), so the proposed piling should not be installed during these dates so as not to interfere with the lifecycles of these species. This is necessary as excessive vibrations from installing piling can negatively impact on these species during the breeding season.
- 6.16. Subject to conditions regarding the timing of piling works it is considered that the proposed works are considered acceptable in relation to flood risk and impacts on aquatic species and is therefore acceptable with regard to Policy DM5 of the Local Plan for the Broads and paragraph 079 of the Planning Practice Guidance.

7. Conclusion

- 7.1. The proposal is for repairs to two foot bridges to allow them to be reopened along with this section of the Wherryman's Way historic footpath. The proposal is also for the provision of access ramps to both bridges to improve accessibility. The proposal is considered acceptable in principle, in terms of the design, appearance, and use of materials for the repair works to the bridges and for the provision of the access ramps, and in relation to impacts on ecology, biodiversity, and designated sites. The proposed development is therefore considered to be acceptable with regard to Policies DM5, DM13, DM16, SP9, DM23, and DM43 of the Local Plan for the Broads.

8. Recommendation

- 8.1. That planning permission be granted subject to the following conditions:
 - i. Time limit
 - ii. In accordance with plans and supporting documents
 - iii. Details of Emergency Flood Plan for construction phase
 - iv. Details of Work method statement and Pollution Prevention method statement
 - v. Biosecurity Measures for Contractors should be followed.
 - vi. Otter mitigation
 - vii. Piling works outside of coarse fish breeding season (15 March to 15 June inclusive)
 - viii. Checks for nesting/breeding birds for works during the main bird breeding/nesting season
 - ix. Vegetation clearance during reptile active season

- x. Installation of 2 bat boxes

9. Reason for recommendation

- 9.1. The proposal is considered to be in accordance with Policies DM5, DM13, DM16, SP9, DM23, and DM43 of the Local Plan for the Broads, along with the National Planning Policy Framework which is a material consideration in the determination of this application.

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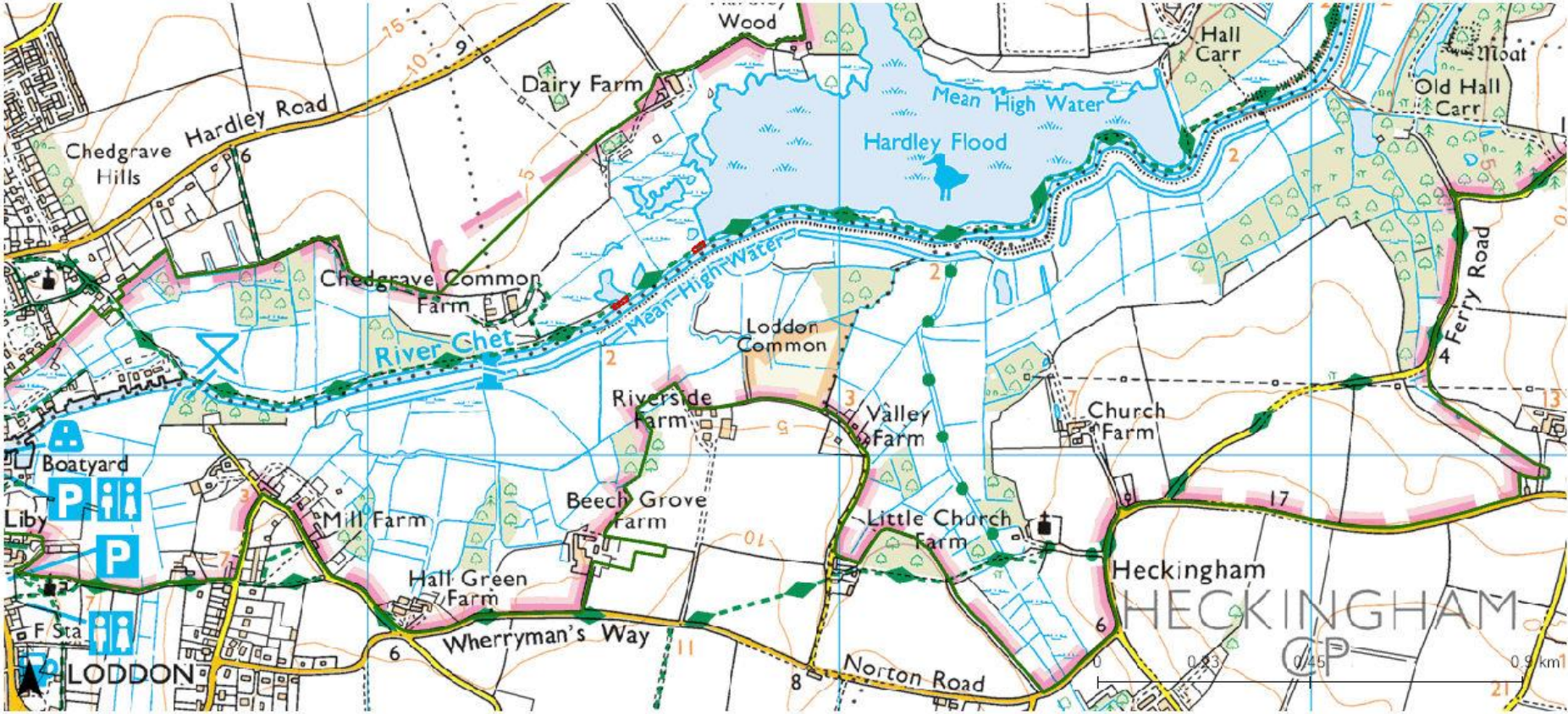
Date of report: 10 April 2024

Background papers: BA/2024/0052/FUL

Appendix 1 – Location map

Appendix 1 – Location map

BA/2024/0052/FUL - Public Right Of Way On Loddon Footpath 4, South-west Of Hardley Flood, Hardley



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