

Application for Determination

- Parishes:** Langley -w- Hardley
- Reference:** BA 2012/0346/FUL **Target Date:** 17 January 2013
- Location:** Weir At Hardley Flood, Hardley
- Proposal:** Re-instatement of a weir structure to improve the hydrological functioning of both the River Chet and Hardley Flood
- Applicant:** Broads Authority
- Reason for Referral:** Application by the Broads Authority
- Recommendation:** Approve with conditions.

1 Description of Site and Proposal

- 1.1 The site is located at a point where Hardley Flood (a large wash land area) links to the River Chet (see location plan). Hardley Flood is designated as an SSSI. The proposed weir itself is located below an existing wooden footbridge which forms part of a footpath (mainly located on existing floodbanks) which connects Chedgrave to Langley.
- 1.2 The proposal is for the installation of a weir structure which would span a length of 6.7m, the space between the existing footbridge abutments. Its purpose is to improve the hydrological functioning of both the River Chet and Hardley Flood. The weir would be a replacement for a weir which performed the same function in this same location until it was removed in around 2005.
- 1.3 The weir is proposed to be constructed from sheet steel piling with a timber capping. A pile wall is proposed to be driven into the river bed and supported on the river side by sunken gabion baskets filled with rock. The steel piling will be finished with timber capping and at the top of the structure there will be a number of timber drop boards. During the year, it is proposed to work closely with Natural England to determine the number / height of drop boards required in the weir to enable control of water levels within Hardley Flood.
- 1.4 The applicant has indicated that the majority of the construction will be within the river hence a minimum amount of the construction will be readily visible. The elements which will be above the water will be the steel sheets (which are proposed to have a recessive colour), the timber drop boards and capping. The position of the weir has been formulated to sit directly beneath the existing

pedestrian footbridge and would therefore largely be in the shadow of the bridge.

- 1.5 The applicant has highlighted that the reinstatement of the weir will improve water levels at the head of the River Chet, improving navigation within the Loddon basin. In addition, the weir will provide partial control over water flows from Hardley Flood into the River Chet and thus will re-introduce a degree of control over this flow of water leaving the Flood which otherwise can affect the navigation routes of boats as they pass the flow (pushing craft across the river).
- 1.6 In support of the planning application, a Design and Access Statement, a brief Flood Assessment and Habitats Assessment have been submitted.
- 1.7 If planning permission is granted, it is anticipated that work will be undertaken to implement the consent in early 2013. All works would be undertaken from the river.

2 Site History

- 2.1 2005/0646/F - Flood defence works (Compartment 21 Hardley Marshes). Approved July 2005.

3 Consultations

- 3.1 At present only limited responses have been received from consultees as set out below:

Langley -w- Hardley Parish Council – Approved, the application as it was an "improvement of hydrological functioning".

Broads Society – Awaited.

Environment Agency – Awaited.

Broads IBD – Awaited.

NCC- PROW – Awaited.

Natural England – No objection. This application is in close proximity to Hardley Flood SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. We also consider that the proposal is unlikely to adversely affect any of the interest features or the integrity of the Broadland Special Protection Area (SPA), Ramsar, including any of its component SSSIs. We note that a Habitats Regulation Assessment has been included, and agree with the conclusion that noise and visual effects are unlikely to disturb wintering birds associated with the above site.

NCC Historic Environment Service – Based on currently available information the proposal does not have any implications for the historic environment and we would not make any recommendations for archaeological work.

South Norfolk DC Environmental Health Officer – Awaited.

4 Representations

4.1 None received.

5 Planning Policy

5.1 Broads Core Strategy

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

Policy CS1 – Landscape protection and enhancement

Policy CS20 – Flood risk.

5.2 Broads Development Management Policies DPD

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

Policy DP1 – Natural environment

Policy DP4 – Design

Policy DP29 – Development on sites with a high probability of flooding

5.3 The National Planning Policy Framework (NPPF) was published in March 2012 and represents a material consideration in determining applications. In relation to this application, the provisions of the following paragraphs are relevant.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Para 109 - highlights the planning system should protect and enhance valued landscape.

Para 115 - recognises great weight should be given to conserving landscape and scenic beauty in the Broads.

6 Assessment

6.1 This application seeks to re-instate a weir feature which had been in place up to 2005 to control the flow of water between the River Chet and Hardley Flood. It is considered that the key issues associated with the proposal relate to impact on habitat and ecological factors, impact on water levels / flood patterns and impact on the visual amenities (associated with its design).

6.2 *Impact on habitat and ecological considerations*

The application has been accompanied by a Habitats Regulation Assessment in view of the nature conservation value of Hardley Flood and the potential to impact on the SSSI and the Broads SAC, Broadland SPA and Ramsar site.

The aim of the proposal is to control water levels and flows and ensure that this maintains the ecological and habitat value of the Hardley Flood. Natural England

has reviewed the application and concluded the proposal is unlikely to adversely affect any of the interest features or the integrity of the Special Protection Area (SPA), Ramsar, including any of its component SSSIs.

In view of the above, it is considered that the proposed scheme will satisfactorily safeguard nature conservation interest of the area (and should have a positive impact) and the proposal is consistent with the provisions of development plan policies CS1 and DP1.

6.3 *Impact on water levels / flood patterns*

The application has been submitted to seek to reintroduce a weir in a location where a water control was in place up until around 2005. This seeks to control water and improve the hydrological functioning of both Hardley Flood and the River Chet. Whilst no detailed hydrological analysis of changes in water levels in Hardley Flood or the River Chet has been provided linked to this application, the proposal seeks to introduce a water feature that has historically assisted the functioning of the area and helped retain water in the River Chet, which it has been suggested would benefit navigation in the Chet basin.

Initial informal discussions with the Environment Agency have identified that they are still carefully considering the proposals. The views of the Agency will be reported at the meeting. It is considered that provided there is no objection from the Agency on flood risk or other grounds, the proposal should be acceptable.

Subject to the views of the Environment Agency and based on the above factors, it is considered that the proposal satisfactorily addresses the tests of relevant development plan policy and will not increase the risk of flooding consistent with the tests of policies CS20 and DP29.

6.4 *Impact on the visual amenities (associated with its design)*

The site occupies an attractive location on the north bank of the River Chet and the only man made structures close by are the wooden footbridge, the remains of the former weir structure and erosion protection in the form of piling (located at various points on the northern and southern banks of the River Chet).

The design of weir will result in most of the structure being located under the water line. The visible parts will be seen in the context of the existing footbridge (and remaining wooden support for the former weir). As the structure will have a timber capped appearance and be viewed in relation to the larger bridge structure, it is considered that the proposal will not have an unacceptable impact on the natural appearance of the area or landscape, meeting the design tests of development plan Policy DP4 and maintaining the scenic beauty and landscape value of the area meeting the aims of Policy CS1 (plus consistent with NPPF advice).

7 Conclusion

- 7.1 The proposal will re-introduce a weir feature that was in place up to 2005. It is considered that the proposal will protect the wildlife and ecological value of the area, will not harm scenic beauty and should not impact on hydrological or

navigation considerations. Subject to the views of the Environment Agency, it is considered that the proposal accords with development plan policy and the sustainable development aims of the NPPF.

8 Recommendation

8.1 Subject to the views of outstanding consultees (notably the Environment Agency), the application be approved subject to conditions:

- Standard time limit condition.
- Approved plans.
- Final appearance / colour to be agreed.

9 Reasons for Recommendation

9.1 The proposal will reintroduce a control feature that will help retain the ecological value of Hardley Flood (and its SSSI status), the hydrology of the area without unacceptable adverse affect on the appearance, landscape value or scenic beauty of the area. It is therefore considered that the proposal is consistent with the aims of development plan policies CS1, DP1, DP4, CS20 and DP29 and the advice contained in the National Planning Policy Framework.

Background Papers: Application file BA/2012/0346/FUL

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Date of Report: 12 December 2012

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2012/0346/FUL - Weir At Hardley Flood, Hardley
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