

Planning Committee

26 April 2024

Agenda item number 7.2

BA/2024/0084/FUL — Reedham- Land to south-west of River Yare- Raise crest and flood bank strengthening

Report by Planning Assistant

Proposal

Widening soke dyke and excavating from existing dykes to win material to raise crest and strengthen flood defence embankment.

Applicant

Mr Marsden – Environment Agency

Recommendation

Approve Subject to Conditions

Reason for referral to committee

Major Development

Application target date

13 May 2024

Contents

1.	Description of site and proposals	2
2.	Site history	3
3.	Consultations received	4
	Environment Agency	4
	BA Landscape	4
4.	Representations	5
5.	Policies	5
6.	Assessment	6
7.	Conclusion	7

8.	Recommendation	8
9.	Reason for recommendation	8
	Appendix 1 – Location map	9

1. Description of site and proposals

- 1.1. This application relates to maintenance of works previously carried out under the Broadland Flood Alleviation Project (BFAP). The BFAP was a 20-year scheme to improve and maintain 240 km of flood defences within the Broads, which aimed to protect and enhance the sensitive wetland areas that are rich in biodiversity, while providing an improved service level in flood defence protection. The £150m BFAP contract was awarded by the Environment Agency in May 2001 to BAM Nuttall Ltd and Halcrow Group Ltd, who worked together in a joint venture capacity as Broadland Environmental Services Ltd (BESL). The major project work was completed in 2017, but there has been a number of subsequent applications for repair work and maintenance.
- 1.2. The application site is located in Reedham Marshes, positioned along the western bank of the River Yare, near its junction with the Haddiscoe Cut and at the eastern edge of Reedham. The nearest property is Seven Mile House, which is located 780m from the closest marsh drain. Reedham village is located 1.3km from the soke dyke, and the Wherryman’s Way runs along the western bank of the River Yare and the Weavers Way runs from the Berney Arms Drainage Mill across the RSPB Reserve towards Halvergate.
- 1.3. The site comprises a reeded rond, a front bank face (river-facing), a crest, a rear bank face (land-facing), folding, and a soke dyke. The site includes a 896m length of flood bank where crest raising is required plus an 8-hectare area of marsh and a 322m length of soke dyke from which the material will be won. The immediate area is characterised by a number of narrow, shallow dykes that run throughout the marshes to the north of the flood embankment, along with a soke dyke that runs immediately adjacent the embankment.
- 1.4. The site falls within Flood Risk Zone 3, according to the Flood Risk Maps provided by the Environment Agency. It lies within the Halvergate Marshes Site of Special Scientific Interest (SSSI) and contributes to the Breydon Water Special Protection Area (SPA) and Breydon Water Ramsar sites, highlighting its ecological significance, as well as being within the Halvergate Marshes Conservation Area.
- 1.5. The Environment Agency (EA) is intending to undertake flood defence maintenance works along the bank of the River Yare between Seven Mile House and Reedham village, consisting of crest raising of the flood bank and repairs. These works can be done under the EA’s Permitted Development Rights. In order to win the material required for these works, it is proposed to excavate from existing dykes, and it is the widening of these dykes for which requires planning permission.

- 1.6. The proposal is for part of the existing soke dyke to be widened and then tapered into the existing alignment. The width of the existing soke dyke currently varies from 11 to 16 metres and it is proposed to widen it over a 322-metre length by up to 7 metres, with a maximum overall width of 18 metres. Planning approval is also being sought for widening two marsh drains by 2m along approximately 195 metres and 278 metre lengths.
- 1.7. Along the embankment's length there are cracks on the landward bankside that will be infilled and compacted with material. With crack repairs, the cracks will be excavated below the existing crack depth to remove any loose and damaged topsoil. The cracks will then be repaired using material that is sourced locally. Grass seed mix will be added upon completion. To facilitate the works, reed vegetation on the front bank face of the flood embankment will be cleared to expose the entirety of the embankment's toe. There will also be reed clearance along areas where soke dyke/marsh drains are to be widened and an area either side of the soke dyke to create a working area for machinery. This clearance work will be undertaken from February 2024 to manage nesting birds, reptile populations and water voles, with the latter displaced under licence where they are present.
- 1.8. Initial access to the marshes and flood embankment will be via Holly Farm Road. Plant will then track along the highlighted route referred to in the [Access and location plan \(pdf | broads-authority.gov.uk\)](#), keeping to the marsh edges and along the crest of the flood embankment. The proposed site compound is located at the entrance of the marshes off the end of Holly Farm Road along a track. If imported material is required it may be necessary to use the concrete access track from Wickhampton church, due to vehicular difficulties in importing material from Reedham village area.

2. Site history

- 2.1. BA/1994/4575/HISTAP - 1. 6 wind pumps for water management
- 2.2. BA/1995/4526/HISTAP - Excavation of soke dyke
- 2.3. BA/2007/0069/FUL - Flood defence improvements - Removal of piling works at Seven Mile House and Five Mile Reach and remove piling and re-profile the edge at the setback area on Haddiscoe Island and also to reptile a 100m length of piling in front of Burnt House windpump.
- 2.4. BA/2017/0207/FUL - 10x scrapes
- 2.5. BA/2017/0356/APPCON - Details of: Condition 4: Written Scheme of Investigation of permission BA/2017/0207/FUL.

3. Consultations received

Environment Agency

- 3.1. Thank you for your consultation dated 27 February 2024. We have reviewed the documents, as submitted, and have no objection. Our letter includes information regarding Waste and Environmental Permitting. If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us. A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WF - any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. A Flood Risk Activity Permit may be needed for the crest raising and embankment repairs part of the works. Although the Environment Agency are protected undertakers, these parts of the works come under an exception from exemption and would need a permit. Schedule 25, Part 1, 3(1), (c) - erecting or altering any structure (whether temporary or permanent) designed to contain or divert the floodwaters of any part of a main river.

BA Landscape

- 3.2. Thank you for seeking landscape comments on the above application, I have reviewed the details and feel an email response is sufficient as it is simple enough in landscape terms. Adequate information is provided to enable me to review the application for possible landscape impacts, these will amount to the short-term change of appearance to land subject to level changes, which will only be perceivable whilst the ground is lacking vegetation. There will be some disruption to the perceptual qualities in the landscape, with slight disturbance to the usual tranquil qualities of the landscape. These effects will be temporary and short term and outweighed by the longer-term benefits of flood protection. I therefore have no objection on landscape matters, I would recommend that a suitable condition is applied to cover the restrictions on lighting to avoid unnecessary light spill during the works.

Natural England

- 3.3. No objection, subject to mitigation measures being followed. We consider that without appropriate mitigation the application would have an adverse effect on the following designated sites: Breydon Water Special Protection Area (SPA), Breydon Water Ramsar, Broadland SPA, the Broads Special Area of Conservation (SAC), Broadland Ramsar, Breydon Water Site of Special Scientific Interest (SSSI), Halvergate Marshes SSSI. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured: All measures set out in the Habitats

Regulations Assessment (HRA) to mitigate and avoid impacts to designated sites. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. Natural England notes that an appropriate assessment of the proposal has been undertaken in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

BA Ecologist

- 3.4. Proposed mitigation is thorough and detailed. The Habitats Screening Assessment and Appropriate Assessment can be adopted by the BA. Further survey should be undertaken to ascertain water vole presence/absence and to inform any licence applications that will be needed. All mitigation as outlined in section 5.3 of the environmental report must be implemented under the supervision of a suitably qualified ecologist. Consideration may be given to seeding the raised banks and creating hibernacula for reptiles. Conclusion - No objection

4. Representations

- 4.1. Broads Society - The Broads Society fully supports the application for crest raising and repair works to the existing flood defences at Reedham Marshes.

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
 - DM21 – Amenity

6. Assessment

- 6.1. In terms of the assessment of this application the main issues to be considered are the principle of the development, ecological/biodiversity impact, 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 raise the crest of the flood bank. The widening of the soke dyke, close to the bank itself, and two of the marsh dykes would provide the material required, with minimum disturbance, avoiding the need for the material to be transported long distances. In addition to providing the material for these works, the scheme will ensure the structural integrity and efficiency of the flood defence embankment for the future. As a result of this, the scheme would help to deliver the RSPB's conservation management objectives for the marshes. It is therefore considered that the principle of this development is acceptable.
- 6.3. The site is located within Flood Risk Zone 3. The EA has confirmed that the development would not increase flooding elsewhere as the excavated material is being removed from the site and used to construct new flood defences. It is therefore concluded that this application is in full accordance with Policy DM5 of the Broads Local Plan.
- 6.4. Policies SP7 and DM16 of the Broads Local Plan seek to ensure that any development proposed would not have an adverse effect on the landscape. In terms of visual changes and landscape character, there would be some degree of change due to the increase of bare earth, and removed vegetation associated with the crest raising and an increased presence of shallow water. These changes, however, would be mainly temporary, occurring during and immediately after the works, and would not have a permanent impact on the local landscape.
- 6.5. The main views of the works would be from the public footpath, from where users would be looking down onto the dyke widening. It is acknowledged that this local impact will be significant, however it would be temporary, and it is considered that the overall impact on the landscape is low as there would be no long-range views of the works and the marshland vegetation provides intervening screening. The extent to which these changes would be observed are therefore limited and would, in any case, be viewed within the context of the existing landscape, within which the appearance of the widening would not be uncharacteristic. It is therefore concluded that this proposal is in accordance with the requirements of both Policy SP7 and DM16 of the Broads Local Plan. and para 20.d, para 135.c, para 158 of the NPPF.
- 6.6. Considering ecology, Policy DM13 of the Broads Local Plan 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.”

The site falls within the Halvergate Marshes SSSI and also forms part of the Breydon Water SPA and Breydon Water Ramsar sites. Natural England have confirmed that if the development is carried out as submitted that it would not have a significant effect on the interest features for which the Broadland SPA and Ramsar, the Broads SAC and Breydon Water SPA and Ramsar sites have been designated, and this can be covered by planning condition. Furthermore, the development would not damage or destroy the interest features for which the Halvergate Marshes and Breydon Water SSSI's have been notified. Reptile and water vole mitigation requirements will be undertaken before the start of works, and this too will be the subject of a condition.

- 6.7. Water vole displacement is required along the soke dyke where it will be widened, as well as at the two marsh drains and plant handing over point. This will be undertaken in the water vole displacement window of 15 February to 15 April 2024. The need to undertake water vole displacement is somewhat unfortunate; however, it is not uncommon in locations such as this and there is considerable experience of successful relocations. The Broads Authority Ecologist has noted that further water vole surveys may be required, and this is noted. The final construction programme for the works was not available at the time of this assessment and therefore the assessment was based on an indicative programme, however it is not anticipated that there will be significant changes to the programme. All mitigation as outlined in section 5.3 of the environmental report must be implemented under the supervision of a suitably qualified ecologist. On this basis, the application is considered acceptable in terms of Policy SP6 Biodiversity and DM13 Natural Environment.
- 6.8. In terms of amenity, the site is remote, in area where there are no immediate neighbours or any built structures. The nearest neighbour to the development is at Seven Mile House, some 850m to the nearest marsh drain and 2km from the soke dyke, therefore it is considered that the occupiers will not be negatively impacted by the development. The proposals are therefore in accordance with Policy DM21 – Amenity of the Broads Local Plan.

7. Conclusion

- 7.1. In conclusion, it is acknowledged that it is necessary for the existing flood defences along this stretch of the River Yare to be raised and repaired and that there are benefits to the material being won close to the works site to minimise disruption. The opportunity that the winning of this material presents to achieve biodiversity enhancements in this area is also welcomed, as the dyke widening would help create an enhanced habitat for many wetland species. The development proposed is further considered to be in accordance with all the relevant Development Plan Policies of the Broads Local Plan and the NPPF in terms of landscape, natural environment and flooding considerations.

8. Recommendation

8.1. Approve subject to the following recommended conditions:

- (i) Development to be commenced within 3 years.
- (ii) Development to be carried out in accordance with submitted plans and documentation. Specifically, the submitted HRA.
- (iii) Development to be carried out to avoid bird nesting period.
- (iv) No development to take place other than in accordance with the approved environmental report.
- (v) Restricted hours of working to be 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturday.

9. Reason for recommendation

9.1. In the opinion of the Local Planning Authority the scheme proposed is in full accordance with Policies SP6 Biodiversity, SP7 Landscape Character, Policy DM5 Development and Flood Risk, DM13 Natural Environment, DM16 Development and Landscape, Policy DM18 Excavated Material, Policy DM21 Amenity and the relevant paragraphs of the NPPF.

Author: Callum Sculfor

Date of report: 12 April 2024

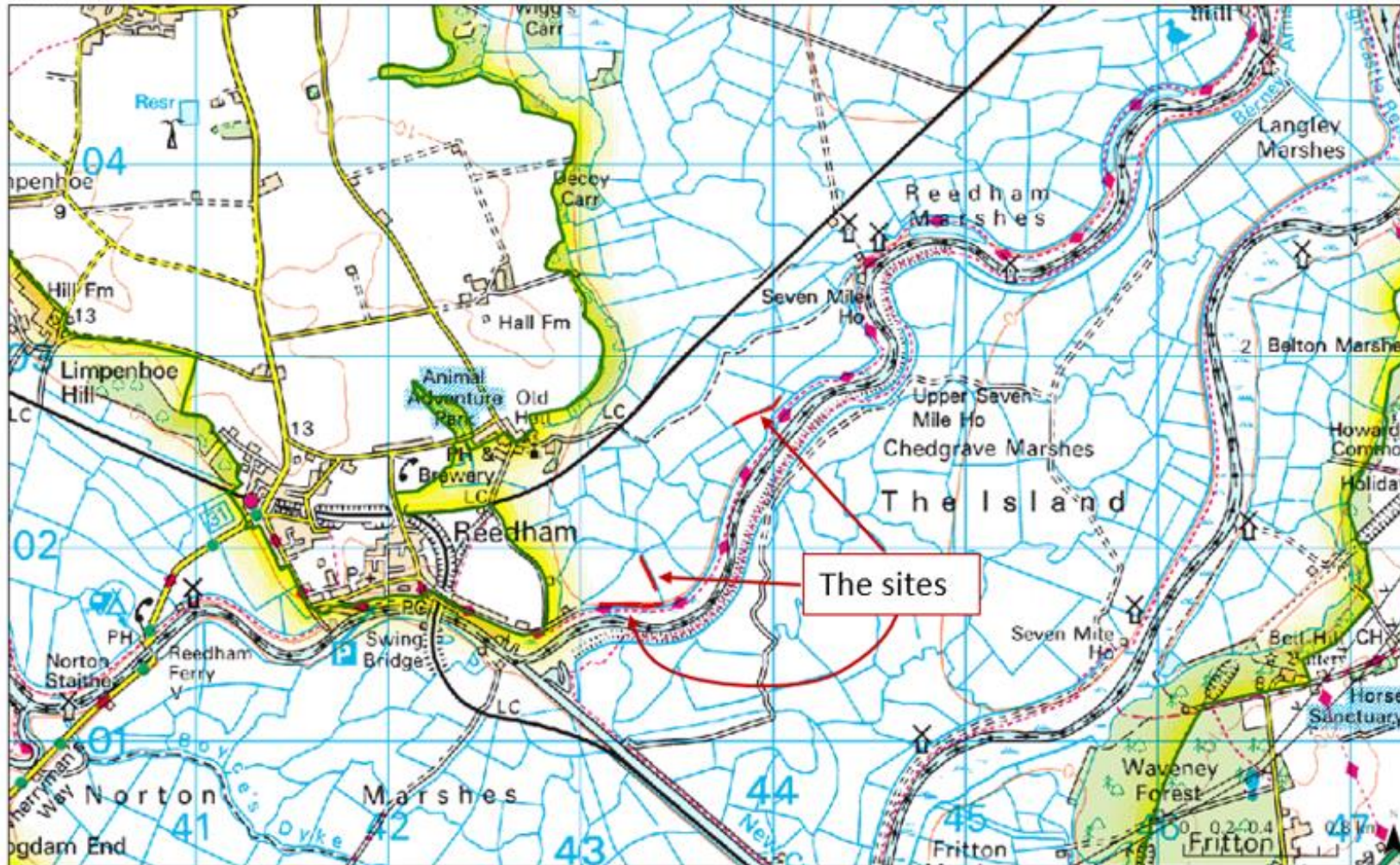
Background papers: BA/2024/0084/FUL

Appendix 1 – [Location map](#)

Appendix 1 – Location map

BA/2024/0084/FUL - Environment Agency Maintained Flood Defence Embankment,

Scale: 1:25,000



© Crown copyright [and database rights] 2024 Ordnance Survey AC0000814754. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form. Bluesky International Ltd. / Getmapping PLC