

## **Application for Determination**

- Parishes:** Burgh St Peter, Oulton and Blundeston
- Reference:** BA/2013/0298/FUL      **Target Date:** 16 December 2013
- Location:** Compartments 23, 29 and 30: Riverbank of River Waveney at Burgh St Peter, Blundeston and Oulton Marshes.
- Proposal:** Removal of piling and re-grading of rivers edge plus installation of crest piling where sufficient material cannot be sourced for standard crest raising.
- Applicant:** Environment Agency.
- Reason for referral:** Major application
- Recommendation:** Approve with conditions

### **1 Background / Description of Site and Proposal**

- 1.1 The application site extends over three compartments each side of the River Waveney (see Appendix 1 – Location Plan) and proposes pile removal and crest piling. This application has been submitted following the completion of the roll back and strengthening of floodbanks in Compartment 23 (in 2007) and completion of set back, roll back and floodbank strengthening in compartments 29 and 30 (in 2010).
- 1.2 The permissions granted in compartments 23, 29 and 30 all proposed pile removal following the completion of new floodbanks (as the piling would no longer be required for flood defence purposes). A planning condition was imposed on the permissions requiring the submission of a separate planning application to allow removal. The purpose of the condition was to retain control over future development that could be detrimental to navigation interests (especially as a result of erosion) and the character and appearance of the Broads.
- 1.3 This planning application, which is accompanied by an environmental report, seeks consent:
- in compartment 23 for the removal of 327 metres of piling and installation of 1000 metres of crest piling
  - in compartment 29 for the removal of 394 metres of piling and installation of 1100 metres of crest piling
  - in compartment 30 for the installation of 700 metres of crest piling.

- 1.4 BESL have identified that crest piling is required in some locations to ensure defences are maintained to a satisfactory standard (in areas where banks have settled significantly since the original improvement works in 2006 and 2009). Crest piling is proposed as there is insufficient material available locally to raise the bank to an acceptable level without using this technique. Members should note that crest piling has been used elsewhere on the River Waveney.
- 1.5 In respect to pile removal, the application proposes the following (similar to the technique followed elsewhere):
- The original floodbank will be re-graded (to create of a lower 'cadge bank' to promote reed growth)
  - Pile removal
  - Remove a triangular wedge of material from behind the original pile
  - Installation of temporary channel markers.
- 1.6 The application site does not form part of a designated site. There is no footpath / public right of way along the floodbank in compartment 23. However the floodbank in compartment 29 is available for public access and there are fishing platforms (leased to the George Prior Angling Club). There are also permissive paths in compartment 29. During the works period there will be a need to restrict access for walkers and anglers.
- 1.7 Pile removal will necessitate the removal of eight existing fishing platforms. BESL have indicated that any replacement fishing platforms should be on an area of reeded rond to the north of the existing platforms, to limit disturbance to the new habitat to be created following pile removal. BESL have offered to work with the landowner (Suffolk Wildlife Trust) to identify the need for replacement platform provision, however no detail of number, position or design has been suggested with this application (although BESL suggest a separate planning application could be submitted in early 2014 and work to provide any new platforms could be completed for June 2014).
- 1.8 Some lengths of piling associated with the roll back banks in compartment 23 will be retained as private mooring and maintenance for these have been accepted by the landowner. In compartment 29, there is an area of Broads Authority 24 hour mooring which will be unaffected by the proposed works.
- 1.9 Whilst there are heritage assets in the three compartments, the proposed works will not impact directly.
- 1.10 BESL continue to recognise that some erosion can take place at the river edge following pile removal. Whilst previous experience has suggested that this has been limited, as it is not possible to predict accurately what erosion rates may be at a particular location, BESL propose monitoring techniques to measure the extent of erosion. The monitoring is linked to trigger points which identify when action will need to be taken due to significant erosion (based on the established 'protocol' which has been agreed as suitable to

monitor erosion associated with earlier pile removal consents).

Time (after removal)	Photographic	Vegetation	Hydrographic
Year 1	Months 0, 3, 6, 9, 12	Annually	Months 0, 3, 6, 9, 12
Year 2	Months 6, 12	Annually	Annually
Year 3	Months 6, 12	Annually	Annually
Year 4 on	Annually*	-	Annually

\* as part of the annual condition surveys

- 1.11 The pile removal works are programmed (subject to planning permission) to be completed in March 2014 outside any main boating season and are proposed to be timed to avoid unnecessary disturbance to wintering birds.

## 2 Planning History

- 2.1 The following applications are relevant.

2006/0331/F - Strengthening and rollback of floodbanks, installation of erosion protection and associated works (Compartment 23). Approved April 2006.

2008/0373/F - Strengthening, rollback, setback and excavation of soke dykes, plus erosion protection works and associated works (Compartments 29 and 30). Approved March 2009.

## 3 Consultations

- 3.1 Burgh St Peter and Wheatacre Parish Council - No comment.

Oulton Parish Council - Awaiting.

Blundeston and Flixton Parish Council - No comment.

Broads Society - No objections to much of the work. However concerned that crest raising and/or crest piling in Oulton Dyke will lead to more flooding in Oulton Broad so therefore object to that work in Oulton Dyke. In response to our earlier objections BESL previously said that there would be no problem because the wall on the other side of Oulton Dyke (i.e. on Peto's Marsh) would not be raised, however the owners of Peto's Marsh subsequently applied for permission to raise that wall.

We suggest that there should be a condition that no work is carried out on the scheme on Sundays or Public Holidays.

NCC Highways - Awaited.

NCC PROW - Awaited.

SCC Highways - Awaited.

SCC PROW - No objection. The applicant will be responsible for the repair and restoration of any surface damage caused by these works.

Environment Agency - No flood risk objections to the removal of the piling. It will not affect flood risk. This proposal has the potential to benefit biodiversity in the scheme footprint. The report addresses all the issues that we are concerned about: otter, water vole and reptile mitigation as well as bio-security for preventing the spread of killer shrimp (*Dikerogammarus villosus*).

Natural England - No objection – no conditions requested. This application is in proximity to Barnby Broad and Marshes SSSI and Sprat's Water and Marshes, Carlton Colville SSSI, Broads Special Area of Conservation (SAC), the Broadland Special Protection Area (SPA) and Ramsar sites. Natural England is satisfied that the proposed development if carried out in strict accordance with the details of the application will not damage or destroy the interest features for which the sites have been notified. We support the Suffolk Wildlife Trust recommendation that winter works be restricted to Oct-Dec before overwintering bird numbers reach their maximum but are satisfied that if this is not possible then the proposed ban on working in extreme cold weather (to minimise disturbance to wintering birds when at their most vulnerable) will be sufficient to ensure there will be no significant impact upon the features of the sites.

NCC Historic Environment Service - In relation to Compartment 23, the proposed works will have a relatively minor impact on previously undisturbed deposits and consequently the potential for significant heritage assets being affected is minimal. In view of this we do not wish to make any recommendations for archaeological work.

SCC Historic Environment Service - No comment.

Waveney DC Environment Health Officer - Awaited.

Suffolk Wildlife Trust - We support the principle of this work as it should result in an increase in biodiversity in this area, whilst at the same time addressing flood risk issues in the relevant compartments. Several sections of the proposed works are in or adjacent to land which forms part of Suffolk Wildlife Trust's Carlton and Oulton Marshes reserve. As recognised in the ecology section of the planning report this site supports large numbers of wintering wildfowl. Whilst we note that it is proposed to impose an extreme cold weather working ban if necessary, we would recommend that work is carried out in February and March as opposed to

January and February to minimise disturbance as far as possible in the peak winter period.

With regard to the proposed access routes to the work areas, the route shown to the proposed crest raising/piling between Ch700 and 1100 is not suitable for the access required as it is too narrow. This route would also cause the most disturbance to wildlife and visitors to Oulton Marshes. Instead we would request that the route referred to as No. 72 Gravel Dam is used to access these sections. It should be noted that this route and that along the new flood bank are permissive routes created and maintained by Suffolk Wildlife Trust and we therefore request that any damage to the surface is rectified before works finish so that the site can be continued to be used by visitors.

NSBA - Awaited.

#### **4 Representations**

- 4.1 Only one letter has been received from a company who owns land at Peto's Marsh. This states:

*The Company has in principle no objections to the proposals made in this application. We do feel however, that by raising the defences, and in particular in compartment 29, to 1.6-1.9 m OD will leave ourselves and other landowners in compartment 28 on the opposite site of Oulton Dyke more vulnerable to flooding.*

*As you are well aware, the Environment Agency in conjunction with the Suffolk Wildlife Trust, left a 400m stretch of river wall owned by the SWT at 1.3m at the Carlton Marshes in compartment 28. This was pointed out by myself in situ to the Planning Committee members on the 8 June 2012 on a site visit.*

*As the elevation figures speak for themselves, the increase in protection of the Oulton Marshes in Compartment 29, as proposed, will lead to more flooding in Compartment 28 and in particular Peto's Marsh owned by the Company.*

*As a condition of granting planning permission to the above application, the Company would be grateful if the Planning Committee would consider requiring the EA to raise the 400m in Compartment 28 to comparable levels with the rest of the compartment at the same time as work is carried out in Compartments 23,29,30.*

- 4.2 The Navigation Committee considered that proposal at their meeting on 24 October 2013. They resolve to endorse the officer conclusion and recommendation and the draft minute states:

*The Authority did not consider the application to present any cause for concern from a navigation perspective and BESL had indicated it would*

*monitor (via visual inspections and marker posts etc.) the banks for erosion in accordance with methodology already agreed by officers and the Committee. Members were also advised that the proposed crest raising would use locally sourced material.*

## **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 CS2 – 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  
Policy DP5 – Historic environment

- 5.2 The policies below have also been assessed for consistency with the NPPF and have 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 DP13 – Bank protection  
Policy DP29 – Development on Sites with High Probability of Flooding

- 5.3 Material Planning Consideration

### **National Planning Policy Framework (NPPF) (2012)**

[NPPF](#)

## **6 Assessment**

- 6.1 Based on scheme design, site context, planning policy and comment received, it is considered that there are a number of key considerations.

### Flood risk

- 6.2 Concern regarding possible increase risk of flooding as a result of

channelling water has been raised by the a local landowner and Broads Society (broadly reflecting objections also raised to the 2009 consent).

- 6.3 The consents granted in April 2006 and March 2009 were on the basis of flood defences being provided in a more sustainable way, introducing roll back and set back floodbanks reducing the need for hard engineered erosion protection (in the form of piling). The 2009 consent in compartment 29 and 30 was granted on the basis of no increase risk of flooding at Carlton Marshes or indirectly to Peto's Marsh. This scheme was approved to provide for an area of 'preferential overtopping' into Oulton Marshes and the proposed crest raising would not prevent continuing overtopping at high water events in the manner approved in the 2009 consent.
- 6.4 Whilst concerns have been raised regarding flood risk, the Environment Agency have raised no objection and it is not considered that the proposal will result in any increase in flood risk as it does not materially alter the flood defence schemes approved, notably in relation to the Suffolk side of the River Waveney and there is no conflict with development plan policies CS4 and DP29 or the thrust of NPPF advice.

#### Ecology

- 6.5 The proposal will have a very limited impact on ecological considerations. The works corridors fall outside the designated site and the Suffolk Wildlife Trust have identified the works should result in an increase in biodiversity in this area. Furthermore Natural England is satisfied that the proposed development will not damage or destroy the interest features of nearby designated sites.
- 6.6 It is recognised that the area is of value for wintering birds. Whilst the period of work is to be limited to winter / early spring, Suffolk Wildlife Trust considers the works should be restricted to February and March. BESL have now confirmed that their pile removal works will be restricted to February and March (avoiding January) to limit disturbance and addressing the concern raised by the Trust.
- 6.7 Based on this, it is considered that ecological interest will be satisfactorily safeguarded, consistent with the aims of development plan policies CS1, CS4 and DP1.

#### Navigation and Recreation

- 6.8 In relation to pile removal element of the 2006 and 2009 applications, the permissions granted included a planning condition to retain control of works that could otherwise be detrimental to:
- navigation interests (especially as a result of erosion)
  - the character and appearance of the Broads
- 6.9 In this case, the current piling is no longer required for erosion protection

purposes and its removal is part of the strategy to deliver flood defences in a more sustainable manner. Existing piling is no longer of any benefit, its condition will only deteriorate so subject to the provision of navigation / channel markers, its removal will be a navigation benefit. It is important that navigation markers are provided and they can be secured by planning condition (in a manner to ensure they are retained until adequate vegetation is established).

- 6.10 It is recognised that pile removal may increase risk of erosion and siltation. Therefore it is considered that the monitoring techniques proposed in this application (outlined in paragraph 1.11), and also specified in other recent pile removal applications, provides sufficient safeguards to ensure that should significant erosion take place, the applicant will ensure necessary remediation works take place. This would provide the key safeguard identified by Navigation Committee. Therefore it is considered that the proposal is consistent with development plan policies CS3, CS15 and DP13.
- 6.11 It is considered that impact on recreation and leisure will generally be satisfactorily safeguarded. In relation to boat use, works are proposed in the winter. In addition the piling used as Broads 24 hour mooring will remain in place. In relation to walking and access, it is considered regrettable that a closure of the floodbank path will be needed whilst works take place. However BESL have confirmed that this will be for a limited period and signage will be provided for walkers. However the short term access restrictions will be outweighed by the long term benefit of the sustainable flood defence proposed.
- 6.12 With regard to angling interests and fishing platforms, eight of the eleven existing platforms will need to be removed as part of the pile removal works (and the three remaining platforms will not be accessible during the period of works). No replacement provision is proposed with this application. BESL have however indicated that they will liaise with the landowner (Suffolk Wildlife Trust) to identify the need for re-provision (on an area of ground to the north - outside this planning application site). BESL have suggested that a separate planning application for the new platforms could be submitted in early 2014 and they could provide the new platforms by mid June 2014 (prior to the start of the new fishing season), however no detail (or commitment) has been provided for replacement provision. It is regrettable that BESL have not provided a firm commitment to replacement provision and the timing of delivery. However replacement platform detail will be sought from BESL prior to the Committee meeting to allow a verbal update to Members.

#### Appearance

- 6.13 The proposed approach to pile removal will ensure that the re-profiled bank will provide a more natural appearance in the Broads landscape, consistent with the aims of Core Strategy policy CS4 and the aims of the NPPF which seek to conserve the landscape and scenic beauty of the Broads.



- 6.14 The application proposes extensive areas of crest piling to provide a satisfactory level of defences. This technique has already been used in the River Waveney. It is considered that the appearance of crest piling will not have any unacceptable impact on the character of the area and will not conflict with the wider aspirations of development plan policy, notably policy CS4.

#### Highway Access

- 6.15 The application shows a number of routes to be used for construction traffic. Whilst no objection has been raised to these routes by the highway authorities (nor did they raise objection in relation to the previous flood defence applications), Suffolk Wildlife Trust have queried the use of one proposed route to compartment 29 (due to its narrow nature). BESL have reviewed construction traffic routing and agreed to use the more suitable Gravel Dam route for traffic rather than the narrower route that concerned the Wildlife Trust.
- 6.16 In respect of construction traffic routes, BESL have also confirmed that they have surveyed these routes and will undertake repairs to any damage caused as a consequence of construction traffic activity.

#### Residential Amenity

- 6.17 It is noted that the Broads Society is recommending an hours of working condition. However given the timing of works (during the darker winter months), distance from nearby residents and limited visitors and boating activity, it is not considered necessary to impose an hours of working condition.

#### Heritage

- 6.18 Whilst the NCC Historic Environment Service has identified that there is no need to impose a specific condition on the proposed works, the views of their Suffolk counterparts are awaited. A planning conditions to identify and record any archaeological interest identified associated with the works in compartment 29 and 30 will need to be imposed should the SCC Historic Environment Service identify this requirement (to address the tests of development plan policies CS6 and DP5 plus NPPF advice).

## **7 Conclusion**

- 7.1 The application proposes pile removal following the establishment and consolidation of set back and roll back floodbanks and crest raising where bank settlement has taken place. The piling to be removed is no longer required for flood defence purposes. The crest raising proposed is in response to bank settlement and will not impact on the historic pattern of overtopping and will not increase flood risk in the compartments or elsewhere in the area. It is considered that with the imposition of planning conditions; navigation, recreation, ecological, highway, amenity and other

interests can be protected and the proposal would meet the key tests of development plan policy and would be consistent with NPPF advice.

## **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.

- (i) Approved list of plans
- (ii) Erosion protection monitoring
- (iii) Navigation hazard markers
- (iv) Construction traffic routes
- (v) Restoration of damage to routes
- (vi) Period for working

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: Planning File BA/2013/0298/FUL

Author: Andy Scales  
Date of report: 20 November 2012

Appendices: APPENDIX 1 – Location Plan

# APPENDIX 1

BA/2013/0298/FUL - Compartments 23, 29 And 39, Riverbank, River Waveney, Burgh St Peter  
Removal of piling and regrading of rivers edge and the replacement flood bank along with installation of crest piling where necessary if sufficient material cannot be sourced for standard crest raising.

