

# Planning Committee

08 December 2023

Agenda item number 7.2

## BA/2023/0290/FUL – Geldeston- Angling platforms on river

Report by Planning Officer

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### Proposal

Install 18 wooden angling platforms for use 39 weeks per year in conjunction with Environment Agency closed season

### Applicant

Mr David Lilley, Bungay Cherry Tree Angling Club

### Recommendation

Approval with conditions

### Reason for referral to committee

Material considerations of significant weight raised.

### Application target date

01 November 2023

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## 1. Description of site and proposals

- 1.1. The subject comprises the northern riverbank of the River Waveney where it passes to the south of the village of Dunburgh. The development proposed comprises the installation of 18 timber angling platforms, each measuring 1.2m x 1.5m, sited at specific points along a 660 metre length of riverbank. The precise siting of the platforms is dependent on where there are trees, with the densely wooded sections being avoided.
- 1.2. The riverbank is predominantly vegetated, with a variety of widths of vegetated areas between the river and a public footpath which runs parallel to the river. The public footpath is sited atop an Environment Agency flood bank between the river and the valley side to the north. Much of the riverbank is tree lined. A portion at the western end of the subject area features little vegetation as the path moves closer to the river, and sections of old timber piling are visible at the water's edge.
- 1.3. The flood bank appears to be the subject of routine vegetation clearance, both on top and to both sides.
- 1.4. The site is accessed via a track leading south from Dunburgh Road, the opening of which is between residential dwellings known as Orchard House and Manor House. The

track leads to a car park, originally provided as a contractor's compound, but since granted planning permission for use as a car park providing 20 parking spaces for the Bungay Cherry Tree Angling Club, applicants for this proposal. From the car park is a further track which leads down towards the river.

- 1.5. The Bungay Cherry Tree Angling Club is an established club in this area. To the north/north-east of proposed platforms 1 - 7 is a fishing lake, operated by the club, which provides 20 platforms for lake fishing and associated car parking, for which planning permission was granted in November 2023. This site is separated from the river by woodland, although views of that site from the public footpath are possible. In addition, approximately 360 metres west (upstream) of the subject site is another section of angling platforms, also operated by the club, approved under planning reference BA/2017/0112/FUL. That application was for the renovation of 16 angling platforms along 400 metres of riverbank.
- 1.6. The proposed platforms would be used by members of Bungay Cherry Tree Angling Club, they will be used for 39 weeks per year in conjunction with the Environment Agency (EA) closed season (14 March to 16 June each year). The club propose a maximum of 4 or 5 angling matches per year but commit to these taking place outside of peak boating season only, with no matches between 16th June to 15th September.
- 1.7. It is noted that the Bungay Cherry Tree Angling Club have a lease agreement with the landowner to fish from the riverbank, as such this application is to consider the provision of the angling platforms only, not the use of the riverbank for angling. This is relevant as it means that the riverbank could be used for angling irrespective of the whether or not the platforms are constructed.
- 1.8. The site is within flood zone 3 which extends north as far as the car park area. The site is not the subject of any designation but is subject to a provisional Tree Preservation Order (TPO) served on 29 September 2023. There is an Environment Agency pumping station and sluice on the southern bank of the river, roughly between proposed platforms 13 and 14.

## 2. Site history

- 2.1. In January 2023 an application was received proposing 25 angling platforms on the same site. That application was withdrawn. Planning reference BA/2023/0031/FUL.
- 2.2. In November 2023 planning permission was granted for the development detailed at 1.5 above. The application was retrospective. Planning reference BA/2023/0168/FUL.
- 2.3. In June 2017 planning permission was granted for the renovation of 16 fishing pegs and construction of a parking area, this site being 360 metres upstream of the subject site. Planning reference BA/2017/0112/FUL.

### 3. Consultations received

#### Geldeston Parish Council

3.1. Geldeston Parish Council met on 11th October and would like to recommend Objection on the following reasons:

- It is a beautiful unspoilt area, and the angling platform scale is too big, even though it has been reduced from 25 to 18.
- Unsure of the tree issues, but today's immature trees are tomorrows mature trees.

#### Gillingham Parish Council

3.2. Gillingham Parish Council, voted 6 to 1 in objection for this planning application. On the following grounds:

- The current retrospective application says the car park is for 20 cars- however, they've already built 20 platforms on the lake so there is no parking for the addition of 18 further platforms.
- There is currently no explanation of how they will protect the trees and wildlife along this route - proposed platforms 7 -18 are situated in an area filled with trees and wildlife and we cannot see how these platforms can be built without impacting on these in a detrimental way.
- We agree with previous objectors that the river is narrow and winding in this area meaning that the fishing lines etc. will have a detrimental impact on others using the river.
- At most we would say that platforms 2 - 6 are the only ones that could be justified as they would not impact on the landscape in such a damaging way.
- We are still no further forward on the retrospective planning application, whether this has been approved or not. Seems a little out of sync. Should you not make a decision on the retrospective one before making a decision on this one?

#### Norfolk and Suffolk Boating Association (NSBA)

3.3. Our committee has discussed this application and is happy to advise no objection.

3.4. We seek to foster good relations with all users of the waterways, and embrace the well-being benefits of enjoying the beautiful natural environment to all.

3.5. The current proposal is for platforms that do not extend out beyond the river bank into the waterway, and we recommend appropriate checks to ensure this, if consented.

#### Environment Agency

3.6. We have reviewed the documents as submitted and have no objection to the planning application. Further information on [this] can be found in the relevant sections below.

### Flood Risk

- 3.7. Our maps show the site lies in the tidal and fluvial Flood Zone 3, which is the area of high flood probability, as defined in Table 1 of the Planning Practice Guidance (PPG). The development for the installation of 18 wooden angling platforms is classed as water-compatible under Annex 3: Flood Vulnerability classification of the PPG. Please note that our view should not fetter you in reaching your own conclusion on the flood risk status of the development proposal.
- 3.8. Therefore, to comply with national policy the application is required to pass the Sequential and Exception test and be supported by a site-specific Flood Risk Assessment (FRA).
- 3.9. In accordance with the footnotes of Table 2: Flood risk vulnerability and flood zone 'incompatibility' of the PPG, for water compatible development within Flood Zone 3b (functional floodplain), the applicant has designed their development 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.
- 3.10. To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, titled 'Bungay Cherry Tree Angling Club' and dated July 2023, are:

#### Actual Risk

- The site lies within the flood extent for a 0.5% annual probability event (1 in 200 chance each year), including an allowance for climate change.
- The site does not benefit from the presence of defences.
- Compensatory storage is not required.

#### Sequential Test

- 3.11. The requirement to apply the Sequential Test is set out in Paragraph 161 of the National Planning Policy Framework. This test is your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

#### Other Sources of Flooding

- 3.12. 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.

#### Environmental Permit for Flood Risk Activities

- 3.13. The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The River Waveney is designated a 'main river'.
- 3.14. The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt, and only higher risk activities will require a permit. Your proposed works may fall under an either one or more of the below:
- 'Exemption,
  - 'Exclusion',
  - 'Standard Rules Permit'
  - 'Bespoke permit.

#### Flood Defences

##### Access and Maintenance

- 3.15. We will always seek an undeveloped margin between built development and the top of bank or rear edge of river wall/defence as a starting position when we are advised about any proposals close to a main river watercourse.
- 3.16. If we currently use or require access at the location, we should be contacted before any work is carried out so that we can advise on what may be acceptable. This may include the need to preserve an access strip from the nearest public road through to the riverside which is wide enough to enable large vehicles to pass, probably in excess of 6 metres wide.
- 3.17. Maintenance of the area close to and within the watercourse, out to the centreline of the channel, is a riparian responsibility and you will find more details about this in our ['Living on the Edge' document](#).
- 3.18. In an effort to prevent damage to the slopes of the embankment by increased footfall leading to and from the new platforms, steps could be added to the plans to ensure a dedicated path is followed.

#### Ecology

- 3.19. We have reviewed the Ecological Impact Assessment and we are satisfied with the ecological considerations made. Special care will need to be taken when siting the platforms during the works, it is vital to have an ecology trained person to survey for water voles, which is stated in the Ecological Impact Assessment paragraph 5.3.2.

#### **Norfolk County Council (NCC) Highways**

- 3.20. I am clearly minded of recent planning history (especially BA/2023/0031/FUL for the installation of 25 angling platforms) and the Highway Authority's response to that. [Note - the response referred to raised no objection, observing that the platforms

would be for club members only, during the 39 week EA fishing season, no day licences, and no night time fishing. It acknowledged that fishing on this stretch of river already occurs, and that high frequency of visitor turnaround is unlikely. Comments were also made regarding the local road conditions which it noted influence and restricts vehicle speeds]. Clearly given that response and the fact that this application reduces the number of platforms, the Highway Authority raise no objection.

### **BA Ranger**

- 3.21. As regards the angling platforms, I would prefer it if there were fewer platforms planned, say 10 as a max. because if they ever decided to have all the 18 proposed in use at one time that would cause severe disruption to river users especially the paddle boarders and canoers who are now a pretty permanent fixture along that stretch of river. They did say that it would never happen that all platforms were in use, but what actually stops that happening?? They also said that the timings of all users would be different, but again there is no guarantee that it would be the case as fishermen could and would be there when they want to go fishing and they could have fishing matches whenever (closed season accepted).

### **BA Tree Officer**

- 3.22. No objection subject to a condition to secure the measures detailed in the submitted Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in particular Appendix 5, the Arboricultural Method Statement (AMS) which details the proposed construction methodology.

### **BA Project Support Officer**

- 3.23. Platforms positioned on river bank and not to go out into the river. Works Licence required before construction. No objection to project.

### **BA Ecologist**

- 3.24. Platforms positioned on river bank and not to go out into the river. Works Licence require before construction. No objection to project.
- 3.25. The development is unlikely to have significant ecological impacts if the mitigation measures detailed in the Ecological Impact Assessment are followed.

## **4. Representations**

- 4.1. 29 representations were received, 16 in support and 13 objections.
- 4.2. The 16 representations in support are summarised as follows:
- This will benefit local businesses and families of anglers wishing to use the waterways.
  - Anglers are great watch dogs of the environment.

- Broadland rivers require more safe bank positions for anglers and the placement of platforms, as installed elsewhere within Broadland, by the BA and EA, provide this safe environment.
- There has been no detrimental Environmental effect to any form of wildlife where these fishing positions have been installed. In fact, a few hundred yards upstream, where platforms have been erected, the wild life is thriving, Otters, Kingfishers, swans, buzzards, warblers and other wild life sightings being common.
- There is currently more disturbance to wildlife, caused by the boaters, canoeists, swimmers etc, than ever created by anglers sitting quietly, enjoying their chosen pastime.
- Over the years the available places to fish have greatly reduced on local rivers in the Broads area.
- The addition of these platforms would help others enjoy the riverbank safely and prevent excessive deterioration to the riverbank in inclement weather.
- Having designated platforms ensures that fishing is done from a safe stable surface without damaging the riverbank.
- Makes access for fishing safer for all especially pensioners, the bank footpath will be better maintained.
- I believe fishing days are a great way to enjoy the beauty of nature, but it also provides many mental health benefits.
- It is increasingly accepted that angling has a considerable social and mental health benefit, particularly in certain social groups. Indeed, it is now considered a mental health therapy by the medical profession.
- Allowing the application will also mean that bankside maintenance in the area will be much improved by the angling club, allowing improved access in that area for both walkers and anglers alike.
- The club would make this area better for all; not just anglers, but for the wildlife in general and all public users of the previously overgrown footpath.
- This application will encourage more people to take an interest in fishing and would hopefully encourage more youngsters to take part.

4.3. The 13 representations in objection are summarised as follows:

- The river bank subject to the planning application has spaces for at least 6 people to fish already, albeit not from platforms, but from the river bank.
- The river is constantly in use by river craft, paddle boards, canoeists and wild swimmers. Adding fishing to this mix would cause major disruption.
- This is a very large (commercial scale) development in this area.



- The scale and concentration of fishing in such a small and special area is totally unacceptable and represents an unjustified bias in favour of one interest group to the cost of many others.
- Shows no consideration towards any other users of the river and footpath or to local residents and visitors.
- In the summer the 3 mile stretch of river between Beccles and Geldeston has become very popular and I have at times encountered more than 50 craft in an hour or so using the full expanse of the river. In the winter, the river is quiet.
- The river bank is a well used designated footpath, it is fairly narrow and would not easily allow pedestrian access as well as space for fishing poles, tents and all the other paraphernalia that people take with them when fishing.
- Fishing Club members predominantly bring barrow loads of kit onto the bank and pole fish which is not acceptable given the room they occupy and proximity to the footpath and this will inevitably create conflict.
- The existing platforms are for the most part underused and are a fairly unattractive feature to what is otherwise a charming stretch of river. I would question that there is actually a need to add additional platforms, despite the alleged increase in club members.
- This development is not in line with the Broads Authorities main and strategic objectives.
- It is likely all of the club members will be driving cars to use their facilities.
- The applicant wishes to have 18 platforms along the river but already have 20 platforms on their adjacent lake- they only have parking for 20 cars so basic maths tells us that there is not enough available parking for the potential level of anglers.
- A vehicular, access track from the land owner's property down to river bank was created when Broads Authority contractors needed to restore the river bank damaged by flooding. This should be removed and the previous habitat restored.
- If as stated these platforms will be placed on the river edge how does the club intend to access the majority of them?
- To access riverbank at the end of this track involves climbing a steep bank that is part of the flood protection area. How does the club intend to provide access for all members onto the river bank?
- Proposed platforms 8 to 18 will very much put river users at risk at these points.
- Provision for recreational fishing would become an over-dominant feature of this stretch of river, changing its character to the detriment of other users of the river, and walkers.

- Visual impact of the car parking in this open countryside location. Whilst at present it is largely disguised by a crop, this is seasonal and indeed there is no guarantee of this in the future. There should be a condition requiring adequate landscaping of the car park.
- It would cause major disruption and destruction to wildlife, it would not benefit the local area in any way and is unnecessary bearing in mind the already existing opportunities for fishing that are in the area.
- The ecology survey only deals with installation and not the impact of regular use, access and ongoing clearance. It does not include a management plan for the riverbank as it does for the fishing lakes.
- Suggested platforms 7-18 cannot be feasibly built without significant damage to the local habitat. There are multiple trees in this area and no feasible way that platforms could be built there without their destruction.
- The platforms are intended to be used at times for competition fishing. This will attract a score or more of people to this relatively quiet river bank, with their rods, nets, brollies, shelters, bite alarms, refreshments and other paraphernalia.
- There are already a high number of fishing platforms between Dunburgh and Geldeston, owned by the same fishing club, that are very underused. I walk that path regularly and rarely see more than a couple of people fishing, except on match days.
- No platforms should be installed near the Landspring Dyke outfall - those numbered 12 to 18 in the Block Plan are too close to this feature. No more than 11 or 12 platforms are suitable along this stretch of river.
- The club proposes to patrol the bank regularly but I see that as a cynical inclusion in the application to aid its success. They haven't been able to do this on the existing stretch why should we believe that it will change on another even bigger section?

## 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
  - SP7 - Landscape character
  - DM16 - Development and Landscape
  - DM21 - Amenity

- DM23 - Transport, highways and access
- DM24 - Recreation Facilities Parking Areas
- SP11 - Waterside sites
- DM29 - Sustainable Tourism and Recreation Development
- DM31 - Access to the Water
- DM43 - Design
- DM46 - Safety by the Water

### 5.3. Material considerations

- National Planning Policy Framework
- Planning Practice Guidance
- Landscape Character Area: Waveney - Barsham, Gillingham and Beccles Marshes

## 6. Assessment

- 6.1. The proposal is for the installation of 18 riverbank mounted wooden angling platforms. The main issues in the determination of this application are the principle of development, the design of the platforms and their appearance in the landscape, impact on navigation, ecological issues and protected trees, impact on amenity of neighbouring residents, parking provision and highways.

### Principle of development

- 6.2. The principle of the development is considered acceptable insofar as it contributes to the provision of recreational facilities in the Broads, and angling in particular. The [National Parks Circular 2010 paragraph 33](#), states that “the Government expects the Broads Authority to continue to encourage a greater range of people to take up sailing, canoeing and fishing and other water related activities” and the proposal is in accordance with this. It is noted that the Bungay Cherry Tree Angling Club operate a number of facilities in this area including a 20 pitch fishing lake, and a length of 16 angling platforms 360 metres upstream of the subject site, and cumulatively the concentration of angling activities in this area would contribute to the close management of the sites to the benefit of club members and the general public.
- 6.3. As noted above, the Bungay Cherry Tree Angling Club have a lease agreement with the land owner to fish from the riverbank and have been observed on site carrying out this activity. Whilst it could be argued that the provision of platforms would encourage participation, they would also arguably contribute to the overall maintenance of the riverbank in providing robust and defined areas for riverbank angling, thereby avoiding unnecessary trampling of vegetation in the search for a suitable swim, rather than simply using the areas provided.

- 6.4. With regard to the sustainable location, Policy DM29 considers recreational facilities and provides locational requirements which includes that the site be closely associated with a 'boatyard or established sailing or similar club'. The Bungay Cherry Tree Angling Club are an established operator in this area and the location of the proposed platform is considered to meet the policy requirements for location.

### Impact upon the landscape

- 6.5. The proposed angling platforms are considered to be modest in size, of a simple unfussy design and utilising natural materials. They would be mostly sited on vegetated riverbank so would not be a stark or obvious presence, with the materials proposed contributing to a reasonably discreet presence. Towards the western end of the subject site, where the riverbank is more bare and has areas of dilapidated timber piling, the platforms would be in the context of a section of riverbank where their presence would not be incongruous or of detriment to the landscape of river scene.
- 6.6. To the land side of the riverbank is the Environment Agency flood bank, this rises above the riverbank level. The proposed platforms will be seen against the slope of the floodbank, which will provide some screening in most areas.
- 6.7. The main issue is the concentration of platforms in specific areas. The applicant has advised that the siting of the platforms is in relation to more accessible sections of the riverbank, and particularly away from the heavily wooded sections, and this means that there is a concentration of platforms towards the eastern and western ends of the site, of 5 and 7 respectively. Whilst this concentration in these particular areas would make them more apparent, it is considered that the actual number involved in each section is not excessive, and there are fewer platforms in the intervening space.
- 6.8. The use of the platforms would result in anglers being present on the riverside, for three-quarters of the year. It is noted that the presence of anglers is not limited by a lack of platforms, although it would be reasonable to argue that platforms do make it more likely that anglers would visit when ground conditions are less favourable because the platforms provide a dry and secure base, although it should also be noted that the poor access is a significant discourager which may not outweigh the advantages offered by the platforms. Overall, it is considered that the presence of anglers on a section of riverbank with a reasonable level of access would not be unexpected and not detrimental to the character and appearance of the landscape and river scene in this area. By all accounts, these are well used areas and the presence of people is part of the area.
- 6.9. The overall number of anglers here would be limited by the number of platforms. These are restricted to use by club members only and this is regulated and controlled by angling club bailiffs. The same level of control also applies at the fishing lake and the 16 platforms some 360m upstream. Whilst the fishing lake is a very recent addition to the angling club portfolio, the 16 platforms upstream are well established and there are no known reports of issues with the use of the platforms.

- 6.10. It is important to consider the potential cumulative impact of a new section of riverbank angling platforms downstream of 16 existing platforms. These 16 platforms are spread out along a section of riverbank 400m in length, there would then be a 360m gap and then the 18 new platforms spread out along 660m of riverbank. This gives a total of 34 platforms over a distance of 1,420m. Discussions have been held with the applicant, these began in considering the previous (now withdrawn) application which was for 25 platforms. In taking on board the comments made regarding that application, and a subsequent site meeting to discuss the various issues raised, the applicants have reconsidered the number and siting of the platforms before proposing the 18 currently under consideration. The suggestion from the BA Ranger of reducing the number to 10 has been considered, with the applicant stating that such a reduction would significantly impact on the viability/practicality of the scheme. They have also pointed out that by providing a wider range of platform location, anglers have the opportunity to spread out along a greater length of the riverbank minimising the impact on other river users.
- 6.11. Those wishing to spend leisure time at this location, whether that be for walking or river based activities, could potentially encounter when heading upstream/west, a stretch of 9 platforms, followed by a gap of 75m to a pair of platforms, followed by a gap of 145m to 7 platforms, followed by a gap of 360m to 16 platforms. The concentration of proposed platforms is less than at the approved site upstream, and overall given the distances between would not result in an unacceptable concentration of platforms and associated activity.
- 6.12. Taken as a whole it is considered that the proposed 18 angling platforms would not result in an unacceptable impact on landscape and the river scene, with regard to Policy DM16 of the Local Plan for the Broads.

### **Impact on navigation**

- 6.13. Angling forms one part of river leisure activity which includes boating, canoeing, kayaking, and paddleboarding. There can be pressures on the use of rivers where there are a number of activities in the same area, however it is recognised that angling is established here through the 16 existing platforms upstream of the subject site.
- 6.14. The main area of conflict between anglers and other river users arises from the need for those navigating on the water to avoid the lines and nets associated with fishing. Whilst motorboats and paddled craft can move easily out of the way, tacking sailing boats may need to use the whole river, so this can cause problems. These issues can be particularly sensitive when match fishing is underway and conflict is more likely where the river is narrow.
- 6.15. In this case, as noted above, there are gaps between groups of platforms, the purpose of which is to offer an increase in options of fishing situations, rather than an increase in numbers of people fishing. The realistic number of anglers at any one time is limited by the car park size. In addition, there are proposals to limit any match fishing to outside of peak season when the river would be less busy. The existing trees which line

much of the riverbank do restrict sailing which lessens potential conflict. Finally, it is noted that the river width would not be reduced by the presence of the platforms which do not protrude into the river, therefore the existing navigation width is maintained.

- 6.16. Concern has been raised about the number of platforms and the potential for a concentration of activity in a relatively small stretch of river which could impact on navigation. The BA Ranger for this area has considered this and commented that a maximum of 10 platforms would be preferable. This would be the simplest way to minimise interactions between conflicting river users, with anglers needing to reel in to avoid passing craft. The applicant has argued that the use of all 18 platforms would be rare, usually limited to organised match days only, and these to be restricted to outside of peak summer time, proposed as 16th June to 15th September.
- 6.17. The applicant states that the 16 existing riverside platforms and the 20 existing lake platforms are for the most part underused. In justifying the proposed platforms in addition to the existing platforms upstream, the applicant has commented that the two areas have different characteristics and provides different options/challenges when fishing. They have also cited an increase in membership and the loss of use of other river stretches. Although providing only anecdotal evidence, having visited the site on a number of occasions, arranged and unarranged, I am yet to witness more than a handful of platforms in use at any one time in either existing location. The applicant has stated that in 6 years using the existing 16 riverside platforms, the 6 space car park has only been full once.
- 6.18. However, despite the level of the existing use of angling facilities in this locale, there is nothing to stop all the platforms being used at the same time. Arguably the parking provision for the 16 existing platforms does provide some limiting factor. The proposed platforms would be served by a 20 space car park, although it must be remembered that those spaces also serve the approved fishing lake platforms which number 20.
- 6.19. Assuming that all 18 proposed riverside platforms are in use at the same time, taking into account their siting and the separation between groups, it is considered that there would not be an unacceptable impact on navigation. This is partly based on the lack of known or reported issues in the operation of the 16 existing platforms. Even taken together, the separation between the existing and proposed sections is considered sufficient to allow for shared river use without there being an unacceptable impact on a particular user group.
- 6.20. The final point to take into account is the fact that fishing from the riverbank is permitted to members of the Bungay Cherry Tree Angling Club and is not dependant on the provision of the platforms. The provision of platforms does help to regularise the use and provides some level of expectation in terms of known angling locations for other river users. The absence of platforms would not result in an absence of fishing in this location, and its unrestricted nature is a consideration in assessing the subject proposal. The limit on fishing matches, and the suggestion that these take place only

outside of peak summer times provides a level of control which would also be absent were all fishing done from the riverbank.

- 6.21. Taking into account the above, it is considered that the proposed 18 riverbank angling platforms would not result in an unacceptable<sup>1</sup> impact on navigation with regard to Policy DM31 of the Local Plan for the Broads.

## Ecology

- 6.22. The proposal is to site 18 riverside angling platforms on the northern riverbank of the River Waveney. These would be sited predominantly on areas of riverbank which are described in the submitted Ecological Impact Assessment (EclA) as ‘a mix of f2d – aquatic marginal vegetation and woodland’. The assessment carried out by Norfolk Wildlife Services, submitted in support of the application, asserts that ‘the platform installation is predicted to have a very minor negative and not significant impact on the local abundance of aquatic marginal vegetation’. In addition, it has concluded that there would not be an impact on protected species.
- 6.23. The submitted EclA has been reviewed by the BA Ecologist who commented that the ‘development is unlikely to have significant ecological impacts if the mitigation measures detailed in the EclA are followed’, these would be secured by planning condition.
- 6.24. It is acknowledged that there would be moderately worn areas between the public footpath and the platforms resulting from the use, as is fairly common at areas where angling takes place from a riverbank. There are existing worn areas from recent riverbank angling activity. The benefit of platform provision is that it formalises the angling areas and avoids needless wear to other sections of the riverbank so that habitats and vegetation are more likely to be left undisturbed.
- 6.25. It is considered that the installation and use of the proposed 18 riverbank angling platforms would not result in an unacceptable<sup>1</sup> impact on ecology with regard to Policy DM13 of the Local Plan for the Broads.

## Trees

- 6.26. The applicant is clear that there is no intention to remove or carry out works to trees in order to install the proposed platforms. The siting of the platforms, predominantly in two groups, with a pair of lone platforms towards the centre, has been proposed as it avoids areas of riverbank where tree coverage is at its greatest. Precise locations are to be determined by selecting areas of riverbank where platform provision could be undertaken without causing harm to trees. This is the same approach as proposed within the EclA which seeks a reasonably fluid approach to platform siting based upon on site observations by a qualified Ecological Clerk of Works. Although the applicant

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<sup>1</sup> Correction 22/12/2023: *acceptable* replaced by *unacceptable*. Please note this typographical error has no bearing on the permission granted at Planning Committee on 8/12/2023

sought to assess the proposed areas, marking the locations with small wooden stakes, the wooden stakes unfortunately were removed prior to any form of assessment.

- 6.27. Taking into account the contribution the series of trees along most of the subject riverbank make to the landscape and river scene, in addition to their amenity and ecological value, against the perceived uncertainty regarding precise platform location, the Broads Authority has taken the decision to issue a provisional Tree Preservation Order (TPO). The effect of this is to provide a level of protection to the trees as any work requires consent.
- 6.28. The BA Tree Officer has visited the site and, with the aid of the applicant, viewed the areas where the platforms would be provided. It was concluded that the proposed works would not have an unacceptable impact on adjacent trees where these are present, however, considering the number of trees and their high amenity value, a tree survey was nonetheless requested covering the application site so this could be confirmed. This has been provided, along with a tree asset plan and tree protection plan.
- 6.29. These have been assessed by the BA Tree Officer, who has confirmed that the impact of the development on the existing trees would be negligible and would not compromise the health of the riverside woodland belt. Minor works only, such as minor reduction of limbs and/or coppicing, would be required to facilitate the development and there are no objections.
- 6.30. It is considered that the installation of the proposed 18 riverbank angling platforms would not result in an unacceptable<sup>2</sup> impact on the protected trees with regard to Policy DM16 of the Local Plan for the Broads.

### **Amenity of residential properties**

- 6.31. The subject riverbank is not within the proximity of a residential property. The access track to the angling club's car park is sited between two residential properties. The track is narrow and access from the public highway is such that vehicles would typically be travelling slowly, use of the platforms would be during daylight hours only, and the car park is limited to a maximum of 20 vehicles. Taking these points into consideration the proposed provision of riverside angling platforms would not have an unacceptable impact on residential amenity with regard to Policy DM21 of the Local Plan for the Broads.

### **Highways and public rights of way**

- 6.32. The proposal has been assessed by Norfolk County Council as Highways Authority who raise no objections. It is noted that the Highways Authority raised no objection to the previous application (withdrawn) for 25 proposed platforms.

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<sup>2</sup> Correction 22/12/2023: *acceptable* replaced by *unacceptable*. Please note this typographical error has no bearing on the permission granted at Planning Committee on 8/12/2023



- 6.33. It is useful to consider, however, the situation with regard to the car parking. There are 20 platforms approved at the fishing lake and there is a 20 space car park. The Highways Authority have commented that 'given the constraints of the local adopted road network it is unlikely that parking would be displaced onto the highway especially when having regard to the distance the platforms are from the highway and the equipment that the anglers would have. I am of the opinion therefore that if expansion of the "formal" parking provision is unlikely to be supported, then parking is likely to occur on/adjacent to the private access track (given it is some 200m in length) and as such would again not impact on the highway. It would clearly still possibly constitute an environmental consideration which is not within the remit of the LHA'. The constraints of the access track are such that additional parking is not appropriate or acceptable, and a planning condition is proposed to prohibit this.
- 6.34. In concluding their comments specific to the question of two platform areas (20 at the lake and 18 on the riverside), the Highways Authority stated that 'there would not be an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe if both applications were approved on the basis of the submissions (i.e. 20 parking spaces available to serve 38 platforms) and as such the Highway Authority could not sustain an objection on parking grounds in this case'. The applicant has maintained that parking would be limited to a maximum of 20 cars and have provided a parking management plan to emphasise this.
- 6.35. The Public Right Of Way (PROW) runs along the full length of the floodbank to the land side of the proposed platforms. For the majority of the platforms there would be a clear distance between the footpath and the platform location. This is not the case at the western end of the site as the riverbank comes close to the PROW. There is no suggestion that the platforms would be sited on the footpath, but the proximity does necessitate some consideration of potential impacts through the provision of angling platforms.
- 6.36. There is adequate room for angling without causing issue with users of the footpath. It is accepted that this will rely on reasonable and sociable behaviour from both sets of users, but in terms of this proposal there is opportunity to both protect and reinforce the legal status of the PROW through a robust planning condition, and relying on club bailiffs to ensure that the behaviour of anglers is at all times reasonable and acceptable. Again, it must be taken into account that fishing from the riverbank can take place without the need for planning permission, and in some respects the riverbank at the western end would be advantageous in such circumstances as without platform provision it provides the most easily accessible point. The provision of platforms in this respect does therefore allow some level of control in the activities carried out adjacent to the public footpath in this location.
- 6.37. With regard to the above assessment, it is considered that the proposed angling platforms and use of the existing car park would not give rise to an unacceptable impact on highway safety, and that use of the platforms would not result in the

obstruction of the footpath or an impediment to footpath users, subject to the provision of suitable planning conditions, with regard to Policy DM23 of the Local Plan for the Broads.

## 7. Conclusion

- 7.1. The proposed provision of 18 angling platforms along a 660 metre length is considered acceptable in principle and complies with location criteria as required by the Local Plan for the Broads. The platforms and their use would not have an unacceptable impact on landscape and river scene, or navigation. Sufficient information has been provided to ensure that there would not be any unacceptable harm to ecology and protected species. The siting of the platforms would be such that they would not harm the long-term health of the trees on the riverside. There would be no impact on residential amenity through access to the site, and it is noted that there is access already to the car park. The parking provision has been assessed as being sufficient, with no detrimental impact on highway safety, nor would there be an unacceptable impact on the PROW.

## 8. Recommendation

- 8.1. That planning permission be granted subject to the following conditions:
- i. Time limit
  - ii. In accordance with approved plans and supporting documents
  - iii. In accordance with the submitted Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in particular Appendix 5, the Arboricultural Method Statement (AMS)
  - iv. Timber preservatives only
  - v. Daylight only, no night fishing
  - vi. Only for angling club members use
  - vii. No day tickets
  - viii. No obstructing the public footpath with persons or equipment
  - ix. Submission of a scheme of monitoring and enforcing approved use
  - x. Matches limited to 5 per fishing season and not between 16th June and 15th September
  - xi. Parking within designated car park area only, maximum 20 vehicles
  - xii. No vehicle access beyond car park
  - xiii. Details of flood response plan
  - xiv. Details of Water Safety Plan

- xv. Vegetation clearance not to be undertaken during breeding bird season (1st March - 31st August, inclusive)
- xvi. Platforms must be micro-sited to avoid any potential water vole burrows and overseen by a qualified Ecological Clerk of Works (ECoW)
- xvii. Pre-works checks for otters by qualified Ecological Clerk of Works (ECoW)
- xviii. Biodiversity enhancement as per section 6 of the Ecological Impact Assessment, submission of management plan for maintenance and construction

## 9. Reason for recommendation

- 9.1. The proposal is considered to be in accordance with Policies DM5, DM13, DM16, DM21, DM23, DM24, SP11, DM29, DM31, 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: 27 November 2023

Background papers: BA/2023/0290/FUL

Appendix 1 – Location map

## Appendix 1 – Location map

