

Planning Committee

09 December 2022

Agenda item number 7.1

BA/2022/0321/FUL- Reedham- Engineering works for IDB

Report by Senior Planning Officer

Proposal

Proposed works including: 2km of new High Level Carrier, 2km of new open channel watercourse/linear scrapes, 6km of new earth embankments, 57,000m² of new island features, 207,000m² of new open surface waters/scrapes between islands and 10 new water control structures aiding longer term water level management plans.

Applicant

Broads Internal Drainage Board (IDB)

Recommendation

Approve, subject to conditions

Reason for referral to committee

Major development by reason of the site area.

Application target date

6 December 2022

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1. Description of site and proposals

- 1.1. The application site is situated immediately north of Breydon Water and south of the A47 trunk road near Great Yarmouth. The site is within the pumped catchment known as CMT124P which is managed and regulated by the Broads (2006) Internal Drainage Board.
- 1.2. The existing High Level Carrier is a network of artificially raised watercourses which transfer and hold fresh water around Halvergate Marshes. The fresh water is sourced from the tidal River Bure through a controlled inlet at Stracey Arms. The High Level Carrier is approximately 12km in length. Small clay and earth embankments (approximately 4m wide by approx. 0.5m high) are used to contain the water in a channel at a higher level than the surrounding existing watercourses. It flows southward and eastward supplying freshwater to maintain and enhance designated wetland habitats within Halvergate Marshes. The water is also used as a reliable supply of drinking water for grazing animals and to maintain water levels in IDB main drains and riparian watercourses to provide wet fencing. The existing High Level Carrier supplies water to the central, southern, and western parts of the marshes. The Broads IDB utilise the High Level Carrier to move water to where it is most needed through a network of water control structures which use gravity to feed water into the lower lying marshes.

- 1.3. The application proposes a 2km extension to the High Level Carrier and other related works, as follows:
- 2km of new High Level Carrier
 - 2km of new open channel watercourse / linear scrapes
 - 6km of new earth embankments
 - 57,000m² of new island features
 - 207,000m² of new open surface waters / scrapes between islands
 - 10 new water control structures aiding longer term water level management plans
- 1.4. The proposed works are part of the vision for RSPB Loughlin Marsh, which focuses on enhancing and improving the current habitat, creating new wetland features capable of supporting greater levels of biodiversity. The project is two-fold: the habitat creation will provide material for installing the raised water carrier and the raised water carrier will supply the water for the habitat creation project. Provision of a mosaic of grassland, washland, reed swamp, scrapes and pools with fresh and brackish influences, will provide a multitude of feeding, roosting and nesting opportunities for the existing suite of wet grassland species, including 300 pairs of breeding waders and c.100K wintering waterfowl.
- 1.5. Halvergate Marshes are extremely vulnerable to climate change. The marshes are nationally and internationally important wetland habitats for many species and large areas are designated as a result. The area is also extremely important to the local economy as good quality arable and grazing farmland. Without the Broads IDB being able to use the existing High level Carrier to provide a reliable supply of freshwater these habitats will likely degrade, be lost and the sustainability of farming would be compromised.
- 1.6. Extending the High Level Carrier eastwards to areas closest to the sea will ensure freshwater can be distributed to parts of the marshes that are most vulnerable which will in turn make the whole landscape more resilient and adaptable to climate change. Significant environmental enhancements will be made locally improving the ability of this site to support national and internationally important flora and fauna.
- 1.7. For the purposes of the application, the application site has been divided into fields and the works in each section are as follows:

Field Location	New works taking place	Retained features
Fields 1-4 (Around the Lock Gate Mill Level Crossing.)	<ul style="list-style-type: none"> • Embankment 1 & 2 • Upstream Scrape. 	<ul style="list-style-type: none"> • Existing water control structure 1.
Field 3 (Around Lock Gate Windmill (Disused))	<ul style="list-style-type: none"> • Embankments 1 and 2 • Water Control Structure 2 • Water Control Structure 3 • Culvert 1 • Culvert 2 • Culvert 3 	
Fields 7-10 (East of Lock Gate Mill Crossing)	<ul style="list-style-type: none"> • New Low Level Drain • Embankment 3 & 4 • Water Control Structure 4 • Water Control Structure 5 • Water Control Structure 6 • Aqueduct 1 • Culvert 4 • Low Level Drain • Approx. 1.0Ha existing borrow pit / pond to be filled with locally won material from scrapes. 	
Fields 11-16 (Furthest East, adjacent to the railway line)	<ul style="list-style-type: none"> • Long Culvert • Culvert 5 • Culvert 6 • Culvert 7 • Culvert 8 • Embankment 5 • Embankment 6 • Water Control Structure 7 • Water Control Structure 8 • Water Control Structure 9 • Water Control Structure 10 • Compartment 2 Scrapes • Aqueduct 2 • Approx. 0.8Ha existing borrow pit / pond to be filled with locally won material from scrapes 	<ul style="list-style-type: none"> • Existing Access Track • High ground contour to act as boundary.

- 1.8. The long-distance footpaths of the Weaver's Way and the Wherryman's Way run along the north bank of the River Yare. These are both Public Rights of Way (PROW), with the routes overlooking the marshes to the north and west.

2. Site history and background

- 2.1. BA/2021/0200/CPLUD Lawful Development Certificate for drainage improvement scheme consisting of extending the existing high level carrier (embanked watercourse) and installing water level control structures to provide fresh water to lower lying marshes.
- 2.2. This application was a formal request for a determination as to whether or not the proposed works were permitted development. The CPLUD was not issued as the proposed works were considered to fall outside of what is allowed under permitted development because they are new works rather than "improvement, maintenance or repair" and thus, they require planning permission.

3. Consultations received

Parish Council

- 3.1. No response received.

Environment Agency

- 3.2. We have reviewed the documents, as submitted, and have no objection. Our letter includes information relating to flood risk, permitting and biodiversity.

BA Head Ranger

- 3.3. I have no comments to make from a navigation point of view.

Norfolk County Council Historic Environment Service

- 3.4. Thanks for forwarding the heritage statement. That will be deposited with the county Historic Environment Record.
- 3.5. I'm afraid the heritage statement does not alter our previous advice (see email of 4th October 2022, our ref: CNF49356_2):
- 3.6. 'We provided preapplication advice for this scheme in February 2021, but unfortunately that advice did not significantly influence the design of the scheme. For example the earthworks of two small rectilinear enclosures (probably stock pens) are present, one in the western area and one in the eastern area. In addition a bank parallel to a drainage channel, which may have served as a routeway and an area of possible floated meadow will also be seriously affected or even destroyed. Consequently, there is a high potential that heritage assets with archaeological interest (buried and upstanding archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.'

- 3.7. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205.

BA Environment Team

- 3.8. The ecology team support this application for a wetland creation project that will benefit the wintering waterfowl and waders at nearby Breydon Water SSSI, SPA, RAMSAR site. The project will create scrapes with the additional water transfer proposed, designed to benefit wading birds and other SPA features of Breydon Water SSSI. Climate change impacts and increased recreational disturbance in the national park, make additional habitat creation projects such as this increasingly important in the Broads. The Environmental Action Plan (EAP) outlines the environmental and protected species mitigation proposed pre and post construction. An HRA for the project has been agreed with Natural England and NE assent has been approved.

BA Historic Environment Manager

- 3.9. Thank you for consulting me on this application. The proposal is for a new culvert and low banks to create wetland habitat.
- 3.10. In terms of the historic environment, the site sits in a relatively sensitive area. It is within the Halvergate Marshes Conservation Area and parts of the proposals are in close proximity to the grade II listed Lockgate Mill (both designated heritage assets) and encompasses many other non-designated heritage assets, in particular archaeological remnants, for example of early field systems.
- 3.11. To summarise, it is considered that the scheme has the potential to cause less than substantial harm to the Halvergate Conservation Area through the cumulative impacts on archaeology, which will have some impact on those non-designated heritage assets identified and the wider setting of others outside the site area. However, if mitigation measures can be put in place, this level of harm will be reduced to an acceptable level and there are clearly public benefits.

BA Landscape Architect

- 3.12. No objection subject to clarification of landscape management, construction programme/period, and maintaining PRoW.
- 3.13. The most significant adverse effects would occur during the construction phase, arising from the scale and extent of works and the presence of sensitive receptors (users of Weavers and Wherryman's Ways). These visual effects could be relatively short term.
- 3.14. The proposals would improve existing land use by creating new wetland features capable of supporting greater biodiversity, and offer adaption to climate change.
- 3.15. On balance, the creation of new habitat features would mitigate the adverse effects of proposed engineering and structures. Following construction and a short period of

natural regeneration, the proposals would not cause significant harm to the landscape character of the area.

3.16. The following conditions should be imposed

- Landscape management plan.
- Construction phase interpretation signage for Trail path users.
- Construction Management Plan including Programme of implementation of works and Method Statement to maintain PRoW
- Landscape condition for soft landscaping.

4. Representations

4.1. The Broads Society – No objection.

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 & Flood Risk
- DM11 Heritage Assets
- DM13 - Biodiversity
- DM16 Development & Landscape
- DM21 Amenity

6. Assessment

6.1. The application seeks planning permission for works including: 2km of new High Level Carrier, 2km of new open channel watercourse/linear scrapes, 6km of new earth embankments, 57,000m² of new island features, 207,000m² of new open surface waters/scrapes between islands and 10 new water control structures aiding longer term water level management plans. The main issues to consider in the determination of the application are the principle of the development, the impact on the landscape, the impact on heritage assets, biodiversity, flood risk and amenity.

Principle of development

6.2. In terms of the principle of development, there are no specific policies within the Local Plan for the Broads which relate to this type of development. However, it is recognised that the marshes are nationally and internationally important wetland habitats for many species and large areas are designated as a result. Extending the High Level Carrier eastwards to areas closest to the sea will ensure freshwater can be distributed

to parts of the marshes that are most vulnerable which will in turn make the whole landscape more resilient and adaptable to climate change. Significant environmental enhancements will be made locally, improving the ability of this site to support national and internationally important flora and fauna. With this in mind, Strategic Policy SP6 is relevant as this requires that development protects the value and integrity of nature conservation interest and objectives of national and local nature conservation designations and should demonstrate biodiversity gains wherever possible. The principle of the development is considered acceptable.

Impact upon the landscape

- 6.3. The site is located within Landscape Character Area (LCA) 19 Halvergate Marshes, and adjacent to LCA 20 Yare - Breydon Water. These areas consist of a panoramic expanse of grazing marsh and big skies, notable for the range and concentration of drainage mills. It is a remote and tranquil landscape, with Breydon Water being an imposing and unique gateway to the Broads network.
- 6.4. The proposals would alter the existing landscape elements of marshland, with the introduction of fairly linear watercourses in the form of the proposed embankments and water control measures. These new features would differ from the existing drainage features (some of which are likely to be very old) in that they would be straighter and have a more engineered appearance, however they would nonetheless be read as drainage features and not therefore out of place in this landscape where water levels have long been managed. The creation of the new natural habitat, for example the scrapes, is welcomed as a significant ecological benefit and certain elements of the works are considered to introduce some positive landscape elements.
- 6.5. The site is mainly viewed from Public Rights of Way, although short-lived views would also be seen from the railway which forms the northern boundary of the site. Due to the distance from the navigable channel and the embankments, views from river users are unlikely. Although there would be a complex array of new linear and engineered features interspersed between the new pools and scrapes, the proposed habitat features and natural regeneration would have a softening effect which would increase over time and would help to integrate the features into the landscape
- 6.6. No detailed landscape scheme is included and so this would need to be required by planning condition, alongside a management plan. In addition, details of the construction management plan and method statement to ensure there are no adverse impacts on the PROWs is required and this too can be conditioned.
- 6.7. In summary, the proposal will likely have significant visual effects during the construction phase, however, these would be relatively short-term. The benefits of the proposal creating new wetland features capable of supporting greater biodiversity and offering adaptation to climate change are considered to mitigate the landscape impacts of the engineering works and the proposal is considered to be in accordance with Policy DM16 of the Local Plan for the Broads.

Impact upon Heritage Assets

- 6.8. In terms of the historic environment, the site sits in a relatively sensitive area, within the Halvergate Marshes Conservation Area and parts of the proposals are in close proximity to the grade II listed Lockgate Mill (both designated heritage assets) and encompasses many other non-designated heritage assets, in particular archaeological remnants of early field systems. A Heritage Statement accompanies the application and makes clear that there are likely to be some detrimental impacts on some of these heritage assets. However, it also advises that mitigation measures can be put in place to mitigate the level of harm.
- 6.9. The Historic Environment Service has advised that there is a high potential that heritage assets with archaeological interest (buried and upstanding archaeological remains) will be present at the site and that their significance could be adversely affected by the proposed development. They have therefore requested that should planning permission be granted, an archaeological written scheme of investigation should be submitted to and agreed by the local planning authority (in consultation with the HES.) This can be conditioned to be submitted prior to the commencement of development.
- 6.10. One of the specific heritage assets in the area is the grade II listed Lockgate Mill and although there will be no physical impact on the mill itself or the adjacent raceways, the additional culverts and embankments will have some impact on the wider setting. This is recognised, however it is also noted that these new features are not considered out of keeping with the surrounding area as a whole and on this basis the impact is not unacceptable. A condition requiring a photographic record of the mill and the structures around it could be conditioned for prior to commencement, along with a precautionary condition requiring any damage to the raceways to be made good.
- 6.11. HES also draw attention to a number of Enclosures (NHERs 42189, 42166 and 42167) where the existing earthworks appear to be small enclosure sites and therefore probably of some antiquity. Whilst Enclosures are not unique to the area, their survival should be ensured. They are within areas proposed as wetlands and it is intended that islands are formed in this area. The Heritage Statement states that the location of the islands is not fixed and could be altered and so it is recommended that a condition is added requiring details of the final location so that the impact on the Enclosures can be minimised
- 6.12. A further archaeological feature is the identified Ridge and Furrow (NHER 42439), which is an unusual remnant of past agricultural landscape. The proposed works would result in the loss of a section of this through the construction of the perimeter bank and ditch, however the Heritage Statement states that some harm could be mitigated by the careful positioning of the islands away from this area. Again, it is recommended that the final position be conditioned.
- 6.13. In summary, it is considered that through the cumulative impacts on archaeology the scheme has the potential to cause less than substantial harm to the designated heritage assets of the Halvergate Conservation Area and Lockgate Mill as well as impacts on the

non-designated heritage assets identified and on the wider setting of others outside the site area. However, mitigation measures can be put in place (and secured via condition) to reduce the extent of the harm to a level which is not unacceptable, particularly given the public benefits arising from the scheme in terms of landscape and ecological resilience. The proposal is therefore considered to be in accordance with Policy DM11 of the Local Plan for the Broads and Paragraph 202 of the NPPF (2021).

Other issues

- 6.14. The proposed developments are not considered to raise any concerns with regards to flood risk or to have an adverse impact on navigation. The Environment Agency have no objection to the proposal and have already issued a permit for works. There is therefore no conflict with Policy DM5 of the Local Plan for the Broads.
- 6.15. The application includes an Environmental Action Plan (EAP) which outlines the environmental and protected species mitigation that is proposed both before and after construction. A Habitats Regulations Assessment for the project has been agreed with Natural England and assent has been approved. The proposal is therefore in accordance with the requirements of Policy DM13 of the Local Plan for the Broads.
- 6.16. There are no immediate neighbouring residential properties which would be affected by the proposal and therefore no adverse impact on amenity. The proposal complies with Policy DM21 of the Local Plan for the Broads.

7. Conclusion

- 7.1. Based on the information submitted to support this application for the proposed works, the principle of development is in accordance with all relevant planning policy, in particular DM5, DM11, DM13, DM16 & DM23. The proposals would improve existing land use by creating new wetland features capable of supporting greater biodiversity and offer adaption to climate change along with continuing to provide freshwater for local farming. The design of the proposals is considered to be acceptable and it is not considered that the proposal will result in an adverse impact on, biodiversity, flood risk or amenity or have an unacceptable adverse impact on either heritage assets or landscape character. Therefore, it is recommended that planning permission is approved subject to conditions.

8. Recommendation

8.1. Approve subject to the following conditions:

- Time Limit
- In accordance with plans and documents
- Archaeological Scheme of Investigation submitted prior to commencement of development.
- Prior to the first operation of the new works the site investigation and post investigation assessment shall be secured.
- Details of the exact location of the island features shall be submitted and agreed.
- Landscaping Scheme and Management Plan shall be submitted and agreed.
- Construction Management Plan and Method Statement shall be submitted and agreed.
- Any damage to the fabric of the mill or raceways within its curtilage resulting from the carrying out of the works hereby permitted shall be made good, to the reasonable satisfaction of the Local Planning Authority in writing within six months from the damage occurring.

9. Reason for recommendation

9.1. Subject to the conditions outlined above the application is considered to be in accordance with Policies SP5, SP6, DM5, DM11, DM13, DM16 and DM21 of the Local Plan for the Broads.

Author: Cheryl Peel

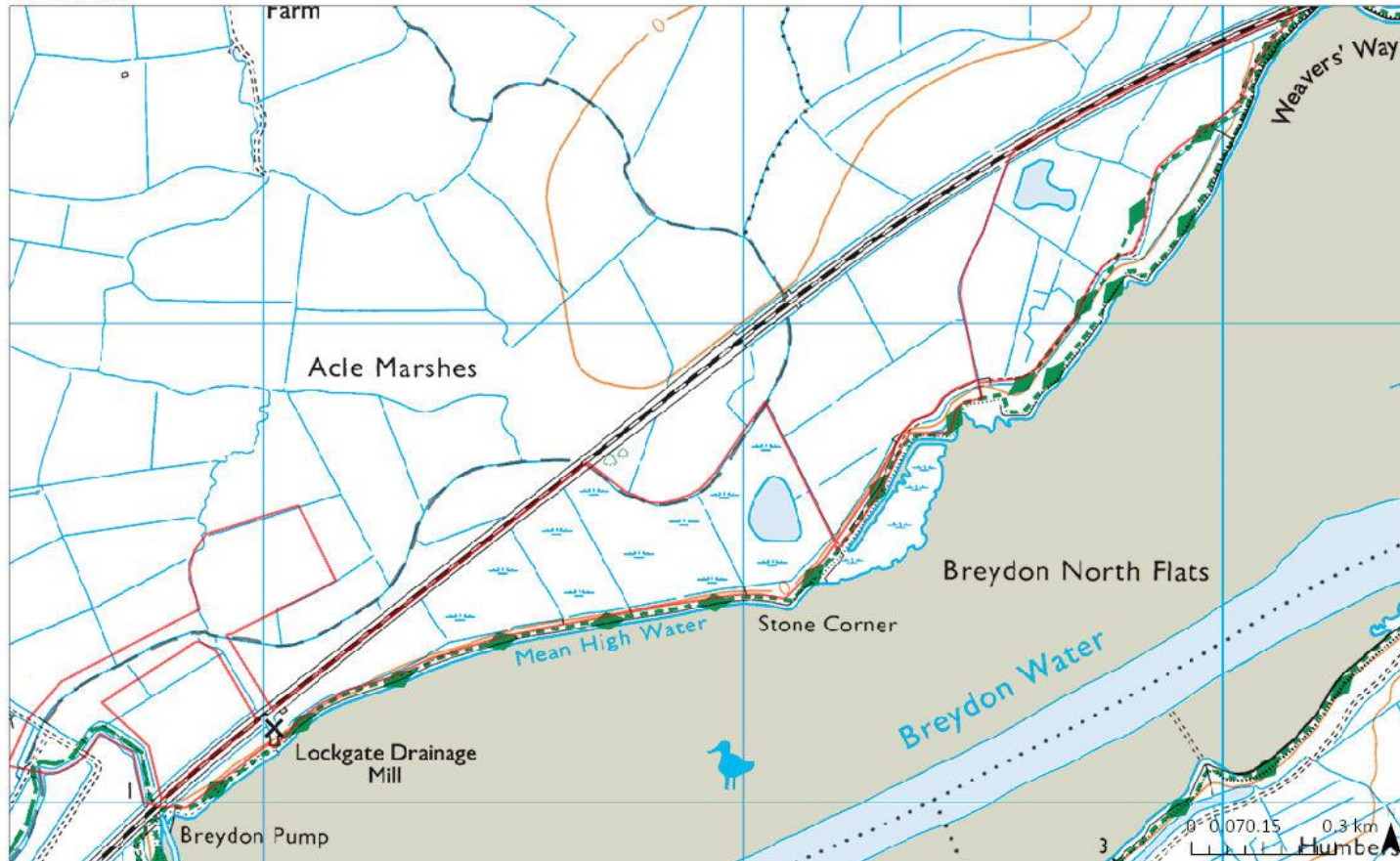
Date of report: 28 November 2022

Appendix 1 – Location map

Appendix 1 – Location map

BA/2022/0321/FUL

Scale: 1:10,000



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