

# Planning Committee

10 November 2023

Agenda item number 7

## BA/2023/0320/FUL – Buttles Marsh, Ludham- Restoration of peat

Report by Senior Planning Officer

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### Proposal

Engineering works to re-wet Buttle Marsh and restore sustainable peat building conditions.

### Applicant

Broads Authority

### Recommendation

Approve, subject to conditions.

### Reason for referral to committee

The applicant is the Broads Authority

### Application target date

6 November 2023

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## 1. Description of site and proposals

- 1.1. The site is located to the west of the village of Ludham, on the eastern side of the River Ant. The site is an area of marshes measuring approximately 25.6Ha and forms part of the Buttles Marsh Norfolk County Wildlife Site.
- 1.2. To the north of the site lies the environmentally designated area of How Hill Nature Reserve which is a Broadland Special Protection Zone, a Broadland RAMSAR, part of The Broads Special Area of Conservation and the Ant Broads and Marshes SSSI.
- 1.3. To the south of the site lies the nearest Listed Building, Neaves Mill and to the east and west of the site are public footpaths Fleggburgh FP18 and Ludham FP10.
- 1.4. The aims of the proposals are to:
  - restore peat building conditions to the marsh by ensuring the water table does not decline further than 10cm below ground level;
  - to provide a more secure water supply by extending the winter watertable level through to spring and summer;
  - to maintain the key biodiversity features identified at the site;
  - to establish peat building conditions within five years of completing the capital works; and
  - to provide the necessary infrastructure and prescriptions for long term sustainable management of the re-wetted and developing peatland.
- 1.5. The proposed works include:
  - The installation of drop board sluice. A drop board sluice is to be situated to the south-east of the site, in proximity to the wind pump and installed within the IDB drain to maintain the required levels in the spring/summer months. The proposed

sluice comprises a metal sluice frame supported by a plastic sheetpile wall with a frame fitted to the centre to install/remove the drop boards. The proposed plastic sheet piles can be installed up to 6m depth. The typical elevation of the proposed board sluice has been submitted but the final details of the board sluice will be secured via condition.

- The construction of a new ditch. The blocks (ditch seals) are proposed utilising the existing spoil onsite (a clay substrate), which is to be used to seal off the catch dykes from the north to south of the marsh and prevent water from escaping the restoration areas. This will also help facilitate the natural infilling of the catch dykes. The proposed ditch is situated adjacent to the track and will extend to 216m. The purpose of the ditch is to accommodate the overflow in case the principal dyke (which will be unsighted) overflows. The proposals include the installation of an overflow pipe at the south-east end of the dyke, which will discharge into the new ditch.
- The construction of a potential pipe dam and new culverts between existing water pools. The marshes are currently separate hydrological units, and it is proposed for new connections to be made between dykes and marsh units via a series of new culverts. A typical detail of the culverts (pipe dam) has been submitted but the final detail of the culverts will be secured by condition.
- A raised track. A track along the south-east perimeter of Buttles Marsh will also be raised at +0.25m AOD, which is to be constructed from both offsite spoil and, where feasible, from fill from the excavated carrier drain located along the eastern extent of the site. The purpose of the raise is to increase bearing capacity for light reserve traffic, if required for maintenance. The length of the track proposed to be raised is 371m.
- The installation of a windpump & carrier drain. The typical wind turbine pipe detail accompanies the planning application and shows the proposed height of the wind pump to be approximately 4m, but the design of the exact structure can be secured by condition. The purpose of the wind pump is to raise water table levels within the site by lifting water out of the IDB Drain via a new carrier drain, which is anticipated to be between 0.5m to 1.5m in depth but is also subject to the final design, which will be secured by condition. The wind pump should run continuously through the winter and summer, depending on the wind. The wind pump is located within the south-east of the marsh, close to a proposed sluice feature.

## 2. Site history

- 2.1. BA/2003/1514/HISTAP. Engineering operations to create wet reed-bed habitat. Withdrawn.
- 2.2. BA/2003/1492/HISTAP. Engineering operations to create wet reed-bed habitat. Approved.

- 2.3. BA/2004/1363/HISTAP. Flood defence improvement works comprising set back and strengthening of floodbank, soke dyke excavation, temporary site compound and access. Approved.
- 2.4. BA/2014/0347/FUL. To extend the existing Scrape by excavating some of the lower areas along two edges of the Compartment which would be a mixture of peat and clay, to be used to renovate the existing track access to the site, giving essential access for vehicles and personnel, to carry out the various land management operations. Approved.

### **3. Consultations received**

#### **Parish Council**

- 3.1. No response.

#### **Environment Agency**

- 3.2. Following the submission of the Flood Risk Assessment (FRA) Addendum, we have no objection to this planning application on flood risk grounds.
- 3.3. In our consultation response dated 29th August 2023 (AC/2023/131688/01-L01), and the supplementary letter dated 18th September 2023 (AC/2023.131688/02-L01), we raised an objection on the grounds that the submitted FRA did not provide sufficient detail considering the impact of the development on flood risks to third party receptors. Therefore, the FRA did not provide a suitable basis for determining that the development would not increase flood risk elsewhere in accordance with the requirements of paragraph 159 of the National Planning Policy Framework (NPPF). The FRA Addendum subsequently provided by the applicant fully overcomes the points of objection raised.

#### **BA Ecology**

- 3.4. Overall, the project is likely to have a minor positive affect on the species and habitats across the site. All mitigation measures detailed in section 6 of the Preliminary Environmental Assessment should be implemented and adhered to throughout the works. In line with Broads Authority guidance, biosecurity protocols must be followed by all visitors and contractors on site at all times.

#### **Internal Drainage Board**

- 3.5. Land Drainage Consents are required and these applications are currently under determination by the Board.

#### **BA Landscape**

- 3.6. No objection. Conditions to be applied to any approval given to secure the details of features within the proposal that have potential to influence the extent of visual impact of the proposal.

## Natural England

- 3.7. Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details.

## BA Heritage

- 3.8. In principle I have no objection to the proposal. There are no designated heritage assets within the site area and most archaeological finds are to the north of the site area so physical harm is unlikely. There are also clear environmental benefits.
- 3.9. However, I have some concerns regarding the proposal for a wind pump. No details of the size or the design of this structure appear to have been provided and there is the potential for some harm to be caused to the setting of the historic drainage mills (which are designated and non-designated heritage assets such as Neaves Mill, grade II listed). At present, the drainage mills are the most significant built forms set within this sensitive landscape and it is hard to assess the harm to the setting of these buildings against any wider public benefits without additional information.
- 3.10. More detailed information on other new structures (e.g. culverts, sluices and carrier drains) should also be provided, although I assume that these are likely to be structures set lower in the landscape and any harm to the setting of the historic windpumps is therefore likely to be less and more easy to mitigate.
- 3.11. Ideally this information would be provided prior to determination but it could be conditioned.

## 4. Representations

### RSPB

- 4.1. Supports this proposal but would like to make 2 comments regarding functionally linked land (FLL) and habitat used by bittern as presented in the screening document which will inform the HRA.
- 4.2. A definition of significance is provided for usage of FLL by qualifying species. This significance is measured by observed records and a level of 0.5% of the UK breeding population is given. We doubt whether the FLL provided by the site meets this suggested measure but also doubt that sufficient observation has been undertaken to verify this statement.
- 4.3. Perhaps of greater significance is the statement in the last para on Page 17 which expresses the opinion that bittern are unlikely to be affected as they use reedbed and as the proposed work area isn't in 'the reedbed' bittern won't be affected. This statement fails to take account of the fact that one of the favoured areas for bittern to forage is reed-lined ditches, where their primary food items, fish, are concentrated. Due consideration needs to be taken that linear habitat is as, if not more significant for some species than are blocks of habitat.

- 4.4. We would also ask whether consideration has been given to the colour of the frame of the wind turbine to better enable it to blend into the landscapes?
- 4.5. Our final comment is that the design of the proposal is sound, practical and makes best use of the scarce water resource. We would be interested in seeing the water budget calculations that give assurance that water can be maintained, year round, at no lower than 10cm below the surface of the developing fen.

### **Broads Society**

- 4.6. Support.

## **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- Biodiversity
  - DM16 – Development & Landscape
  - DM11 – Heritage Assets

## **6. Assessment**

- 6.1. The application seeks planning permission for engineering works to re-wet Buttle Marsh and restore sustainable peat building conditions. The main considerations in the determination of the application are the principle of the development, the impact on landscape, biodiversity and flood risk.

### **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. It is also recognised that peat is hugely important to the environment – acting as a carbon store, wildlife habitat and as a means of flood control.
- 6.3. 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 therefore considered acceptable.

### **Impact upon the landscape**

- 6.4. Following pre-application advice, a Landscape and Visual Appraisal was submitted with the application. The site is located within Landscape Character Area 29 (Ant/Bure – Ludham, Horning and Neatishead Marshes), which is a transitional zone between types of landscape, habitats and land use. It is predominantly an area of exposed marshland landscape with wide open views interspersed with pockets of arable land and Carr woodland.
- 6.5. Two Public Rights of Way are present within the site and a third runs along the eastern boundary external to the site and so there is potential for landscape impacts to be visible from public vantage points. The main aims of the scheme are to provide water supply security to the site, rewet the marshland and restore sustainable peat building conditions, along with associated benefits for biodiversity and for wider ecosystem services and much of this will have limited impact on the landscape. The elements of the scheme that do have the potential to result in landscape and visual effects are the wind pump, dropboard sluice and raised track, the details of which will be secured by condition to ensure a sensitive design. On balance, it is not considered that the visual impact of these elements will result in a significant, adverse impact for users of the footpaths.
- 6.6. In summary, the BA Landscape Architect is content with the predicted/potential effects of the proposal on the landscape and the proposal is not considered to have an adverse visual impact on the landscape character of the area. The proposal therefore accords with Policy DM16 of the Local Plan for the Broads.

### **Impact on biodiversity**

- 6.7. The site is less than 200m to the south of an environmentally protected area, the How Hill National Nature Reserve, which is covered by the designations outlined at paragraph 1.2 above. A Preliminary Ecological Assessment (PEA) accompanies the application.
- 6.8. The PEA concludes that the proposed development will have a positive impact upon the habitat for all species, including invertebrates. It adds that the mitigation measures proposed for water voles and reptile will also benefit hares, water shrews and harvest mice. The improved habitat diversity will benefit all species and the BA Ecologist has confirmed they have no objection to the proposal subject to all mitigation proposed in the PEA being undertaken. The proposal therefore complies with Policy DM13 of the Local Plan for the Broads in this regard.
- 6.9. The RSPB have not objected to the proposal, but they did raise some comments which the agent has answered in a subsequent response. The agent agrees the functionally linked land (FLL) likely doesn't meet criteria, but this cannot be validated without exact bird survey data. However, given biological records and discussion with Broads Authority staff regularly on site and their records, it was determined there are very low numbers of bitterns on site and so a survey is not required in this instance.

6.10. Likewise, although bittern may be foraging in the reed lined ditches, the minimal impact of the temporary works (limited to 5m each way at ends of ditches, either to connect or disconnect) is in areas which are not heavily reed lined and therefore not optimal for bittern foraging. The works will only take 4-5 weeks on site with minimal time spent at each location. The temporary impact will then provide additional higher quality habitat for bittern, and additional foraging area.

### Other issues

6.11. The nearest Listed Building is Grade II Listed, Neaves Mill, located across the river approximately 150m to the south of the site. The BA Historic Environment Manager has no objections to the proposals in principle and is content for the final designs of the wind pump and other visible structures to be secured by condition. The proposal is therefore not considered to be contrary to Policy DM11 of the Local Plan for the Broads in this regard.

6.12. The Environment Agency initially objected to the proposal but following the submission of additional information (an addendum to the Flood Risk Assessment) from the agent, they have confirmed they have no objection of flood risk grounds as the additional information clarifies that there will be no increases in above-ground water levels as a result of the development, and all increases to water levels will remain below the existing ground surface. Therefore, there will be no material reduction in floodplain storage capacity as a result of raising water levels in the marsh.

6.13. In addition, the construction of a raised access track within the defended fluvial/tidal floodplain will cause a material reduction in the capacity of this floodplain to store fluvial/tidal floodwater in the event that the Turf Fen embankment overtops. The FRA Addendum assesses the impact of this loss in flood storage capacity to flood dynamics within the compartment and determines that any increase in risk will be negligible in both a 'design' and 'extreme' flood event.

6.14. Lastly, the FRA Addendum discusses the location and elevation of nearby third-party receptors and determines, with full justification, that flood risk to these receptors will not be increased as a result of the development. The proposal is therefore considered to be in accordance with Policy DM5 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
- Prior to their installation, details of the following shall be submitted and approved
  - a) the wind pump,
  - b) sluice,
  - c) drain block and culverts,
  - d) raised track,
  - e) carrier drain.

The works shall then be carried out and retained in accordance with the agreed details.

- Prior to commencement of the 'Construction Phase' (as detailed in the Planning Statement), a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing.
- All mitigation measures detailed in Section 6 of the PEA shall be implemented and adhered to throughout the works.

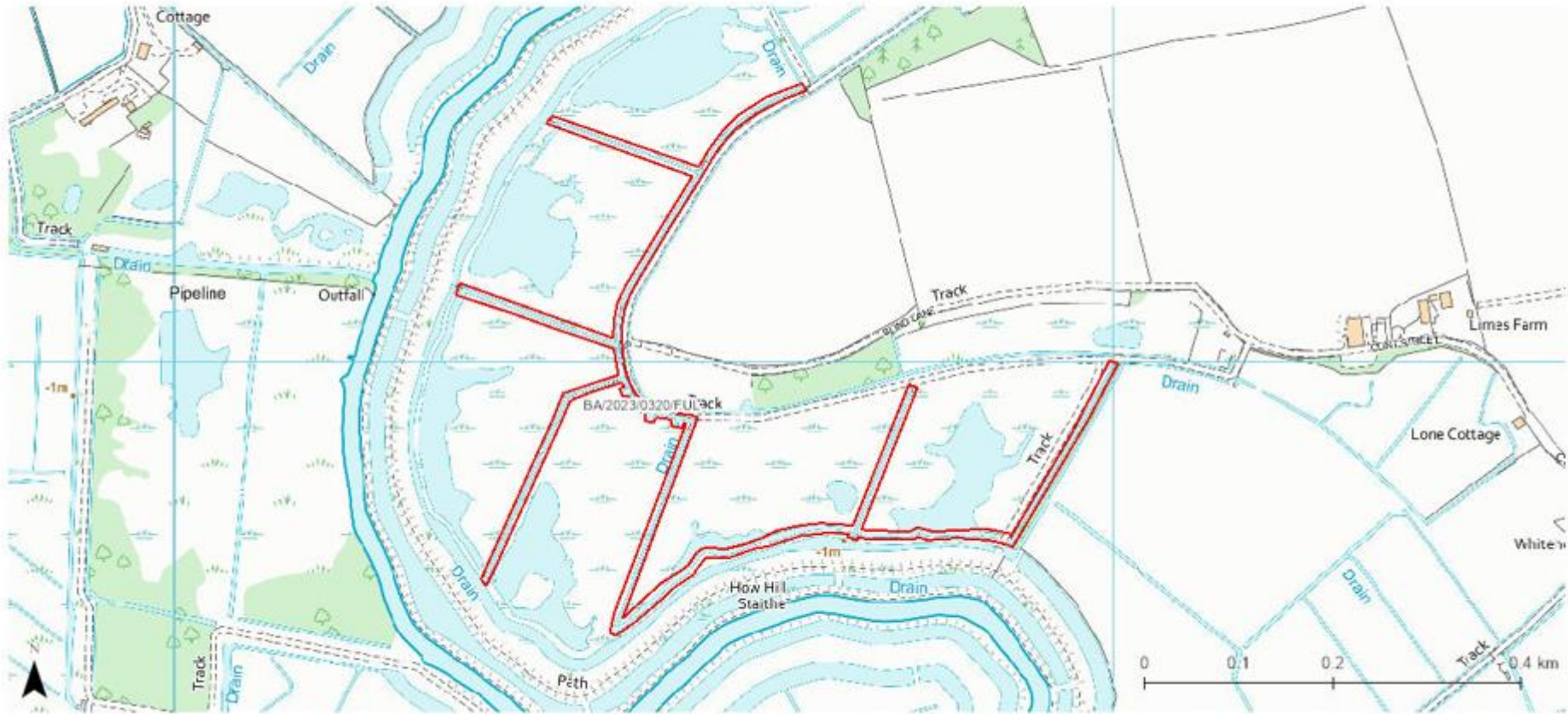
Author: Cheryl Peel

Date of report: 30 October 2023

Appendix 1 – Location map

## Appendix 1 – Location map

BA/2023/0320/FUL - Buttle Marsh, Ludham, Norfolk



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