

Planning Committee

13 August 2021

Agenda item number 9.1

BA/2020/0254/FUL Habitat restoration works and provision of temporary welfare facility Catfield

Report by Planning Officer

Proposal

Habitat restoration/creation works and hydrological connectivity works at Catfield Fen and the provision of a temporary welfare facility for the duration of the works

Applicant

RSPB – Dr Daniel Hercock

Recommendation

Subject to the BA's ecologist and Natural England being satisfied that any impacts on the SSSI are justified, appropriate water vole mitigation and an acceptable approach to peat disposal, it is recommended that the application be approved subject to conditions.

Reason for referral to committee

Major Application due to site area

Application target date

16 November 2020

Contents

1.	Description of site and proposals	2
2.	Site history	3
3.	Consultations received	3
4.	Representations	5
5.	Policies	5
6.	Assessment	6
7.	Conclusion	10
8.	Recommendation	10
	Appendix 1 – Location map	12

1. Description of site and proposals

- 1.1. The application site is land owned by the Butterfly Conservation Trust and managed by the RSPB under a formal management agreement. Catfield Fen is part of the Ant Broads and Marshes National Nature Reserve (NNR), which covers much of the floodplain of the middle Ant Valley. The NNR is one of the best and largest remaining areas of fen habitat in Western Europe and within it there are a significant number of areas designated for their nature conservation value. Catfield Fen is part of the Broadland Special Area of Conservation (SAC), the Broadland Special Protection Area (SPA), the Broadland Ramsar and the Ant Broads and Marshes Site of Special Scientific Interest (SSSI).
- 1.2. Catfield Fen is managed entirely as a nature reserve for the benefit of wildlife with a Natural England approved SSSI and NNR Management Plan in place and an Higher Level Stewardship agreement running until 2023. The reserve supports a wide range of SSSI and SAC species and habitats and of particular note are its areas of SAC Calcareous Fen (an Annex 1 priority habitat) and its very large population of fen orchid (an Annex 2 priority species).
- 1.3. The site is within the Landscape Character Area 28 'Ant Valley - Wayford Bridge to Turf Fen'. This is often a difficult area to view as much is inaccessible and carr woodland often terminates views within the area and to the landscape beyond. There is a contrast between the business of the waterways (during the summer months) and the limited land-based access. Both the RSPB and Butterfly Trust allow for limited access by visitors, but there are no direct public access points to the site.
- 1.4. The application documents state that Catfield Fen is currently in 'unfavourable declining' SSSI condition, due to hydrological change reducing the extent of Calcareous Fen and habitat suitable for fen orchid. Considerable work has been done in recent years to understand the causes for this unfavourable change. The hydrological conditions of the site have seen a change from alkaline to a more acidic condition and the expansion of areas of Sphagnum moss and acidic peat deposits.
- 1.5. The application sets out that the RSPB consider there to be three reasons why the site and hydrological conditions have changed, and that there is broadly speaking scientific consensus on these. These are, firstly, unsustainable levels of groundwater abstraction in the vicinity of the site; secondly potentially unsuitable management of surface water on and adjacent to the site; and thirdly - natural vegetation succession and accumulation of peat exacerbated by a lack of peat removal in places.
- 1.6. Planning permission is sought for a variety of measures to improve the drainage of the site and reduce its acidity in order to return the site characteristics to favourable SSSI status. These works include the restoration of ditches and the removal of sphagnum,

scrub stumps and additional peat to restore wet fen in discrete areas of fen particularly affected by acidification. Planning permission is required because much of this work constitutes an engineering operation and is therefore development.

- 1.7. The scheme as originally submitted had been on a slightly more involved and larger scale, however it has been scaled back in response to representations made by a neighbouring land owner, Natural England, and the Broads Authority (BA) ecology team. Further information has also been provided.
- 1.8. The revised scheme would see works within the site in 7 specific areas as shown on the block plan attached at Appendix 2. The works would vary dependant on each area, but, in summary, would involve the use of an excavator to restore ditches (approximately a total of 650m), scrape away Sphagnum moss and additional peat to create wet fen, with removed material deposited on bank tops and allowed to dry and revegetate. Excavators would also be used to remove small tree/ scrub stumps and additional peat to create wet fen with pools and ponds. The proposal would also include the provision of a number of new sections of drainage pipework to link these areas to improve the movement of surface and ground water and also river water when the area is inundated to reverse the acidification of the water within the site.
- 1.9. The site access would be via the existing accesses and the machinery would be delivered to the site with a banksman to accompany these vehicles. Parking for operators would be provided within two areas, comprising the existing 6 parking spaces at Catfield Staithe and a temporary parking area on an area of grass within the site.

2. Site history

- 2.1. There is no specific planning history relevant to this site, however the application sets out the nature reserve and SSSI history within the supporting documents, including discussion of the recent changes to ground water abstraction in the area which may result in better conditions at the site regarding ground water quality, and increased water levels at the site.
- 2.2. Planning permission was granted in February 2021 for habitat restoration work at Sutton Fen (BA/2020/0238/FUL).

3. Consultations received

Parish Council

- 3.1. The Parish Council does not have the expertise to assess authoritatively the scientific merits of the proposals but it notes their significant scale and the use of heavy machinery. It would therefore ask the relevant bodies, the Broads Authority and Natural England, to consider their content carefully and not just approve them as 'self-evidently a good thing'.

- 3.2. It also notes the proposed access of large vehicles via Fenside and would request that great care be taken to avoid damage to the banks in this narrow lane.

Environment Agency

- 3.3. Support the plan to restore the ditch network at Catfield Fen, using the methods and timings described in the application.

Natural England (NE)

- 3.4. Further information required to determine the HRA has been requested which would include details on impacts on the site. Discussions are on-going and Members will be updated orally as additional information is proposed to be submitted to the LPA and NE.

Broads Drainage Board

- 3.5. In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process, please be aware of the presence of a number of watercourses which have not been adopted by the Board (riparian watercourses) within the site boundary and that works are proposed to alter these watercourses. To enable these proposals, consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4). The Broads Drainage Board have spoken with the applicant directly and the Board anticipates receipt of an application form for the relevant consent.
- 3.6. Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such the Broads Drainage Board strongly recommend that the required consent is sought prior to determination of the planning application.
- 3.7. The Broads Drainage Board have discussed their consenting process with the applicants directly and it is anticipated that an application would be forthcoming in due course.

BA Ecologist

- 3.8. Owing to the likely presence of water voles and the plans to change the profile of the dykes, it is likely that a Protected Species licence for water voles will be needed.
- 3.9. Detail of the mitigation proposal was requested by the BA ecologists at consultation stage. The submitted material has clarified the situation with regards to water voles on site. A mitigation strategy and method statement have been produced which include avoiding/minimising impacts and the proposed works have been timed appropriately. The BA ecologists are content that a robust approach has been described and that the applicant is considering requirements for licence in discussion with the licensing department at NE. Ongoing monitoring of populations post works to be conditioned if possible.

BA Landscape

- 3.10. No objection to the proposals. Although the short-term landscape effects would be adverse, these would be offset by longer-term landscape benefits. Assessment of the re-use of peat should be made as this has not been explored in the peat statement.

BA Tree Officer

- 3.11. The BA Tree officer has visited the site and reviewed the proposed ditch restoration works. They confirm that whilst there is likely to be loss of some trees as part of the proposed works, this is for the greater good, with regards the habitat restoration and therefore the BA Tree officers has no objections to the proposed works

4. Representations

- 4.1. One representation has been received regarding the amended scheme. Acknowledge the reduction in the scale of the proposal as a positive. However raise a number of issues.

- Nature and timing of works – would it not be better to wait for changes to be assessed due to reduction in abstraction
- Ecological assessment is not adequately detailed and does not discuss potential adverse impacts
- The information on peat has not addressed Policy DM10 adequately
- A construction management plan has not been submitted in support of the application. Nor has an ecological mitigation plan been submitted
- Detail of visual impact statement, transport, or archaeology have not been addressed by the applicant.

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:

- DM1 Major Development in the Broads
- DM5 Development and flood risk
- DM10 Peat soils
- DM13 Natural Environment
- DM16 Development and Landscape
- DM18 Excavated Materials
- DM23 Transport, highways and access

- 5.3. The National Planning Policy Framework (NPPF) is a material consideration.

6. Assessment

- 6.1. The key reason why this development has been proposed is to address the current 'unfavourable declining' SSSI condition. The key consideration is the principle of this development including an assessment of impacts upon the sites biodiversity and the balance of these impacts. Due to the type of work and scale of the site an additional key consideration is the landscape impact of this proposal. The impact upon neighbouring amenity is also a consideration.

Principle of development

- 6.2. The scheme is presented as a series of works proposed in order to reverse the decline of the habitat at this site. Habitat restoration is supported in principle by Local Plan Policy DM13, the development is assessed against the relevant criteria below.
- 6.3. Policy DM13 criteria (a) requires that development will protect biodiversity and minimise the fragmentation of habitats. In this case, the proposal would not result in the fragmentation of habitat, and subject to completion of the mitigation for water voles in line with any subsequent Natural England Licences, the proposal would protect biodiversity. Criteria (b) requires that development maximises the opportunities for restoration and enhancement of habitats. The application identifies in detail how this will be achieved, including cases studies and best practice for this specific type of fen management and restoration. This includes the need to remove acidic peat soils and sphagnum moss, improve surface water drainage to move away acidic acid water and allow alkaline river (flood) water into the site. It is considered that criteria (b) has been met.
- 6.4. The letter of representation questions whether the works are necessary considering there may be improvements following the changes to water abstraction locally which will affect water levels. This is an interesting point, however as part of the applicant's supporting statement a counter argument is made that examples of successful habitat restoration of this nature has required peat removal alongside the reduction in abstraction. The BA Ecologist has not offered an objection to this element of the proposal or the methodology put forward and it is relevant to note that it is not the role of the LPA to determine which may be a better solution, but, rather, to assess the submitted scheme against the development plan policies.
- 6.5. Criteria (c) of Policy DM13 requires the scheme to incorporate biodiversity and geological conservation features. The proposed pools and areas of fen created would mean that this development complies with this criteria. The proposal does not include additional green infrastructure as this is not considered appropriate in this sensitive location. This is acceptable in relation to criteria (d) of Policy DM13. Criteria (f) requires that where there is impact on the special features of an SSSI that the benefits of the works in terms of habitat restoration are on balance greater than than those impacts.

In this case, further information is awaited and both this and the assessment will be reported orally.

- 6.6. In regards to the removal of peat, Policy DM10 is relevant. This policy sets out that even in instances where the principle driver of the proposal is for habitat restoration/creation, the criteria of this policy must be met.
- 6.7. Criteria (i) of Policy DM10 states that consideration should be given to whether there is a less harmful viable option for the development. Alternative proposals that are less harmful (for example, no excavation of peat) have been argued to be less likely to be successful on the basis of results from previous schemes of a similar nature and with similar desired outcomes. On this basis thought has been given to criteria (i). On balance, considering the need to address the declining habitat status and limited evidence that a do-nothing approach could be successful, it is considered that this development would meet criteria (i).
- 6.8. Criteria (ii) of Policy DM10 requires development to have reduced the amount of harm to the minimum possible. In this instance, the scheme has been amended by the reduction in the scale and scope of the works and this has reduced the harm. The amount of peat removal is limited to locations that will have the most benefit in restoring favourable conditions for the important site features, whilst also avoiding designated habitat and protected species. On this basis the proposal is considered to meet criteria (ii) of this policy.
- 6.9. Criteria (iii) requires that sufficient provision is made for the evaluation, recording and interpretation of the peat is made before the commencement of development. Details have been provided with the application following peat coring at the site, and further details would be required through condition. This condition would require the applicants to allow further evaluation, interpretation and recording of the peat by appropriate organisations.
- 6.10. The final criteria of DM10, criteria (iv), requires peat to be disposed of in a way which will limit carbon loss to the atmosphere. This element of the proposal is still subject to some discussion and further information is awaited on the precise details. The information provided to date indicated that the excavated peat is to be deposited on existing banks and will dry out over time, releasing CO². It is suggested in the application details that this is a temporary phase and the benefits of carbon sequestration of the restored habitat will outweigh initial carbon release. This and the overall benefit to improving the habitat status have been put forward by the applicant as reasons why the carbon loss is justified.
- 6.11. Considering the alternatives, the applicant indicates that the physical removal of the peat from the site would have significant cost implications which could result in the scheme being unviable. It is not clear that removing the peat from site would result in it being kept any wetter (therefore retaining more CO²), and on the basis that the peat is to stay on site, it may not result in complete drying of the excavated peat. Whilst it is

fair to say that the application's peat statement has not addressed alternative means of disposal in any depth, the option of using peat from this application in the parallel application BA/2020/0238/FUL did consider the reuse of peat from Catfield Fen for the covering of invasive plant species *Crasulla Helmsii* at Sutton Fen as an option to reduce both loss of CO² at this and the neighbouring site.

- 6.12. However, this option was not considered an acceptable option, even though it would have been the nearest and only really viable option of keeping the peat wet, without significant movement of the material. This was due to the risks associated with movement of plants between the sites, and the potential for contamination of the sites with the invasive species. On this basis, it is the case that some consideration has been given to all criteria of Policy DM10 and that on balance the proposal may be justified due to the potential biodiversity improvements which this application offers, whilst acknowledging that there would be some excavation of peat and resultant loss of CO² where it dries. This assessment, however, cannot be completed until all of the information required in respect of criteria (iv) has been submitted and considered and, as stated at 6.10 above, this is awaited. Members will be updated on this orally, including a completed assessment against criteria (iv).
- 6.13. There is a requirement for the development to consider for protected species, both under the planning regime and under relevant Natural England Licencing. The BA ecologist has identified that a Protected Species licence for water voles is likely to be needed, due to the presence of voles and proposed changes to the profile of the dykes. Further information has been submitted which has clarified the situation with regards to water voles on site.
- 6.14. A mitigation strategy & method statement have been produced which would seek to avoid or minimise impacts. This strategy includes timings, and it is considered that proposed works have been timed appropriately. On this basis the proposal is now considered to be a robust approach. The applicant is considering requirements for licence in discussion with the licensing department at NE. Subject to an appropriately worded condition requiring ongoing monitoring of populations post works the scheme has been considered in relation to the protected species of water vole to be in accordance with Policy DM13 of the Local Plan for the Broads.
- 6.15. Additional details are being submitted by the applicant in regards to the required Habitat Regulations Assessment. The issues which require further clarification include details linking the evidence base to the proposed activity and how this has influenced aspects such as the scale of the scheme, the disposal of peat and how the water levels will be set. Some of these considerations will be relevant to the planning assessment and an oral update will be provided.

Impact upon the landscape

- 6.16. The proposal has been assessed by the Broads Authority's landscape architect and there are two types of impacts - landscape effects and visual effects. Landscape effects can be described as the change in the physical landscape, which may change its

character or value, whilst visual effects would be changes to specific views which may change the visual amenity experienced by people.

- 6.17. The proposed works would have a number of direct landscape effects. Landscape changes would include the raising of existing bank levels by up to 0.5m and the excavation of peat to create wet fen and pools. Although these effects would be adverse in the short term, they would be ameliorated over time as vegetation and habitat developed and increasing the area of fen and pools would not be uncharacteristic for the site. There would also be impacts from the plant movement on site, which would create disturbance, although this would only be temporary.
- 6.18. Visual effects caused by changes to the appearance of the site would result from the deposition of excavated material on to existing banks and ditch sides. This would have an adverse visual effect for a temporary period before vegetation re-established, but would have minimal long term impact.
- 6.19. Potential visual receptors are limited and may include nearby dwellings and boat users, whilst the occupiers of dwellings along Fenside may notice movement of machinery and contractor's vehicles during construction periods. It is unlikely that there would be any views of the site from the Staithe, Barton Broad or the river due to intervening vegetation and bunds, however boat users at Irstead Staithe (approximately 425m to the south of the site) may be aware of the noise from the works. Overall, the visual effects are likely to be limited and temporary. The proposed works would have landscape character impacts, however these would not be adverse as the works are characteristic of the area. Protection of the hedges and edges, and restoration of these would be required through condition. The proposed development is considered to accord with Policy DM16

Amenity of residential properties and access

- 6.20. The development would have an impact upon the amenity of those living and working in this area during the works phase as there would be a degree of disturbance associated with the transport of plant to the site, along with potential for noise during the excavation works. However, the application supporting statement has set out a number of measures to mitigate this. These include the use of a banksman, specified car parking provision and also the provision of a site hut during the development to ensure that the site would be habitable for workers but impacts upon neighbours limited. Hours of operation would be limited by condition to Monday – Friday and 08:00 to 18:00 hours which is considered acceptable. On this basis the proposal is considered to accord with Policy DM21.
- 6.21. The wider area is surrounded by arable farm land and therefore farm traffic of a similar scale is accommodated within the highway network.

Other issues

- 6.22. Other consents are likely to be required separate to the planning process; the applicant has been made aware of this.

7. Conclusion

- 7.1. The development has been proposed as part of the ongoing management of the RSPB's Catfield Fen Nature Reserve, which is required to protect its status as an SSSI and address the decline in the habitat. The works as proposed are therefore supported in principle by Policy DM13 and the NPPF.
- 7.2. The works do involve excavation of peat and creation of new landscape features. These landscape features would not have an adverse landscape impact and the works to complete this proposal would not have an adverse impact outside of the initial works period once revegetated. The works proposed are considered to be in line with existing examples of best practice and is acceptable. There are additional separate licencing requirements that will need to be met, but these are not a planning consideration.
- 7.3. On balance, the benefits of the scheme in terms of protecting the site's conservation importance outweigh in principle the impacts of the potential for loss of peat in the form of potential CO² emissions
- 7.4. The potential for adverse impacts on the site's protected features, habitat and species has been identified and further information on this is awaited. An assessment will need to be made by both Natural England the the BA's ecologist as to the likelihood of these impacts and whether are acceptable and/or whether they are justified by the wider benefits of the scheme. This will be reported to members orally at the meeting.

8. Recommendation

- 8.1. Subject to the BA's ecologist and Natural England being satisfied that any impacts on the SSSI are justified, appropriate water vole mitigation and an acceptable approach to peat disposal, it is recommended that the application be approved subject to conditions as follows:
 - Standard time limit
 - Standard plans condition
 - Flood response plan
 - Hours of working
 - Reasonable access made available to the site to record the peat from relevant bodies should it be required prior to commencement of development
 - Time limit for the site hut and additional car parking area to permit this on a temporary basis only
 - Any conditions required by the BA Ecologist and/or Natural England

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Appendix 1 – Location map

Appendix 2 – Block Plan

Appendix 1 – Location map



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Appendix 2 – Block Plan

