

ENVIRONMENT AGENCY

CHANGE OF USE OF LAND TO STORE DREDGED MATERIAL ON FIELDS OF BURROW DROVE, ON THE NORTH BANK OF THE RIVER PARRETT, NORTH WEST OF GROVE HILL

Location: FIELDS NORTH OF BURROW DROVE, ON THE NORTH BANK OF THE RIVER PARRETT, NORTH WEST OF GROVE HILL (SITE 1)

Grid Reference: 335608.130836 Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The use hereby permitted shall be discontinued and the land restored to its former condition or allowing for a level of up to 300mm of dredged material to remain, on or before 30/11/2015.

Reason: To ensure no long term adverse visual impact and to reinstate floodplain storage capacity.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 122316-00028 Rev A.O Stockpile Location Plan
(A3) DrNo 122316-00033 Rev A.O Planning Application Site 1
(A3) DrNo 122316-00036 Rev A.O Stockpile Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed in "*Table 6-10 Potential impacts of the proposed scheme on the Flora and Fauna*" and "*Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance*" in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014) shall be carried out as indicated during the construction and decommissioning of the stockpiles, including a badger assessment prior to removal of the stockpiles.

Reason: To protect species and their habitats from damage bearing in mind these species are protected by law.

Notes to Applicant

1. The alteration of the access and/or minor works or temporary signage will involve works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area at The Highways Depot, Burton Place, Taunton, Tel No 0845 345 9155. He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
3. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

PROPOSAL

The proposal is to temporarily store dredged material from the Rivers Tone and Parrett. The dredging of around 235,000 cubic metres of sediment will take place between April to October 2014, while decommissioning of the stockpiles is anticipated to be between April and October 2015.

The dredged material will be tested and if found suitable for flood risk management works or as soil improver will be stockpiled for up to a year before being spread on farmland. Approximately 60% of the total dredged material is expected to be stored in this way. The stockpiles will be 2m high on average and covered and sealed with black sheeting.

The dredging project is an essential component of the Somerset Levels and Moors Flood Action Plan 2014. This project is one of several investments to reduce future frequency and duration of floods across the Levels and Moors. The application includes a Design and Access Statement, Planning Statement, Flood Risk Assessment and Environmental Statement with non-technical Summary.

SITE DESCRIPTION AND HISTORY

The site 1 identified in this proposal is currently an arable field of oil seed rape and is accessed off Burrow Drove. It lies to the rear of Samways Farm building and runs north east and is bounded by drainage ditches on three sides. The site is 2.54ha on the right bank of the River Parrett and is expected to cover a maximum of 1.5ha.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LANDSCAPE - Limited landscape impact given the temporary nature of the storage of dredged materials.

NATURAL ENGLAND - Natural England does not object to the application.

Natural England has been involved in extensive discussions with the Environment Agency on its plans to dredge sections of the Rivers Parrett and Tone as part of flood risk management works developed to respond to the prolonged flood event over the winter of 2013-14. We have agreed previously with the conclusions of the Environmental Statement produced by the Environment Agency in February 2014 to assess potential environmental impacts (as required by the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (as amended)), and the Habitats Regulations Assessment produced to assess potential impacts on the Natura 2000 network of European Sites (as required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended)).

We recognise that determination of this application will be informed by the updated Environmental Statement that has been produced to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

We agree that the stockpile locations chosen will minimise adverse impacts on nearby designated nature conservation sites and on species protected in European and domestic legislation.

We note that detailed strategies to avoid and mitigate potential impacts on sensitive environmental receptors during “construction” and decommissioning of the stockpiles will be developed in consultation with Natural England as the dredging programme progresses.

Habitats Regulations Assessment (HRA) _

Because the proposed project has the potential to affect the qualifying features of European Sites, the procedure set out under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) must be followed. The requirements for protection of the natural environment within the European Directives and the associated Regulations are stringent. The basic test is that a development must be able to demonstrate “no likely significant effect” and, if that is not possible, that it will not adversely affect the integrity of European sites (thus the developer must demonstrate the lack of an effect rather than Natural England having to prove the existence of one). This includes avoiding adverse impacts on the species and habitats for which the site is designated, and avoiding deterioration of or damage to any habitats on which they depend.

A “Habitat Regulations Appraisal” (HRA) should be undertaken in respect of any development which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

The proposed project is not directly connected with, or necessary to, the management of a European site. This means that if the development is likely to have an impact on the qualifying features of European Sites, then Taunton Deane Borough Council as the relevant Competent Authority would be required to carry out a Habitats Regulations Appraisal comprising:

- (i) an initial assessment of whether this proposal, either alone or in combination with other plans or projects, is likely to have a significant effect on the SACs; and,
- (ii) If a likely significant effect cannot be ruled out, an Appropriate Assessment to determine whether the proposal will adversely affect the integrity of the European Sites.

Following a screening assessment that identified that dredging could cause likely significant effects (LSE) on the Somerset Levels and Moors and Severn Estuary European Sites, the Environment Agency produced an Appropriate Assessment. Its conclusion was that the project would not cause an adverse effect on the integrity of the European Sites, provided a monitoring and mitigation programme is implemented to guide work during and after dredging.

Natural England agreed with the conclusion of the Environment Agency's Appropriate Assessment of the project.

We agree that the proposed creation of the stockpiles to store dredged silt until autumn 2015 will not change the conclusion of the original Appropriate Assessment and consequently it does not need to be revised.

Protected Species considerations

We agree with the measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed in "*Table 6-10 Potential impacts of the proposed scheme on the Flora and Fauna*" and "*Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance*" in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014).

Badgers - We are not sure that the potential for badgers to excavate sets in the stockpiles after they have been established has been identified as a risk. We advise that the regular checks of the stockpiles for badger activity are added to the Environmental Action Plan to ensure that any setts established are not disturbed unintentionally.

If planning permission is granted and protected species licences are required, then licence applications must be supported by up-to-date survey data.

Landscape considerations

The Landscape and Visual Impact Assessment (LVIA) has been produced competently following the latest best-practice guidance. We agree with its findings.

Mitigation

All measures detailed in the Environmental Action Plan (equivalent to a

Construction Environmental Management Plan) to avoid or reduce environmental impacts should be reinforced as planning conditions attached to any planning permission granted.

We endorse the need for an ecological clerk of works to take overall responsibility for the success of the management plan, to advise project management staff and contractors on ecological issues and to ensure mitigation measures are implemented correctly.

NERC Act 2006

Natural England reminds Taunton Deane Borough Council of its duty to conserve biodiversity under Section 40(1) of the Natural Environment & Rural Communities Act 2006.

Please note that in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters as determined by Taunton Deane Borough Council that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

BIODIVERSITY - The three stockpiles are located within close proximity to protected sites so Natural England should be consulted on this application. I support the findings of the HRA. I note that works will take place between April and October to avoid disturbance to over wintering birds and that stockpiling will not take place within 10m of any rhyme to minimise any impact on water voles and otters.

SCC - TRANSPORT DEVELOPMENT GROUP -

The following comments are in connection with planning application 51/14/0004, to which my comments are made from on site observations and the information submitted supporting the planning application specifically the *Design & Access Statement, incorporating Planning Statement* prepared by *Black & Veatch* (April 2014) (Samways Farm) and Drawing No. 122316 – 00028 and 122316 – 00033.

Site Location – North Bank of the river Parrett, North West of Grove Hill

The site is located to the North of the River Parrett, to which vehicular access is to be obtained via Riverside a designated classified unnumbered highway to which a 30mph speed limit applies. Access to the wider highway network is obtained via the signalised junction with the A361 also known as Burrow Wall/Grove Hill a Class 1 highway.

Riverside is a single width road with limited passing places. There is no footway or street lighting in close proximity to the application site. Furthermore, having checked accident data records I can confirm that there have been no recorded accidents in this location within the last five years.

Site Access/Junction – North Bank of the river Parrett, North West of Grove Hill

Drawing No. 122316 – 00028 indicates that vehicular access to the temporary site is to be off of Burrow Drive an unclassified section of highway which serves access to residential properties Nos. 1 to 4 Burrow Drive, Samways House and Moorview House as well as Samways Farm.

The junction of Burrow Drive and Riverside gives limited visibility in both directions. As a result vehicles are reliant on a non-prescribed mirror located on the southern verge of the highway known as Riverside.

Please note the Local Highway Authority do not support the use of mirrors as it is legally an obstruction on the highway so cannot be put up without the express permission of the Highway Authority, to which I am unaware of for this location. Furthermore, the use of a non-prescribed mirror could also impact on road safety for the following reasons:

- Distortion of reflected images (glare from sunlight or headlamps affecting a driver's vision).
- Visibility issues during bad weather/surface of mirror (rain, snow, frost).
- Difficulty judging speed of an approaching motor vehicle from the mirror reflection.

Drawing No. 122316 – 00033 details that the applicant's red-line drawing does not encompass the junction in question and therefore, no improvements can implement as the land is under third party ownership.

Additional Information – North Bank of the river Parrett, North West of Grove Hill

Within *Appendix F: Somerset levels – Traffic Volume Calculations* of the submitted *Environmental Statement*, traffic calculations have been provided for the duration of the project, which indicate averages during the dredging works. This would need to be clarified in detail within a Traffic Management Plan.

It is considered that the proposal will lead to an intensification of vehicle movements to the surrounding highway networks. However, the application is of a temporary nature and therefore the proposal is considered acceptable.

It maybe beneficial for the use of temporary signage to be positioned in close proximity to the application site (access) to notify highway users of the ongoing operations as part of the planning application. Whilst there are no objections to the erection of temporary signage along the proposed route, the locations of such signage will need to be agreed in writing with the Area Highway Office if the signage is on highway land.

It is stated within *Section 7.40* of the *Design & Access Statement, incorporating Planning Statement* that a Traffic Management Plan is to be prepared and implemented as part of the proposal to minimise any disruption during the dredging phase. A suitably worded condition should be attached to any planning consent if the Local Planning Authority is like minded to grant approval of the proposal. A Traffic Management Plan should detail the hours of operation (to minimise peak traffic times), types of vehicles to be used during the dredging

phase, use of banksmen and methods to prevent any discharge of mud/slurry on the adopted highway.

Conclusion – North Bank of the river Parrett, North West of Grove Hill

It is acknowledged by the Local Highway Authority that the proposal will result in disruption to the highway network in the vicinity to the application site. However, the need and temporary nature of the project outweigh the inconvenience and it is considered that a robust Traffic Management Plan should be submitted and implemented to minimise the disruption caused by the vehicle movements generated in association with this application.

In light of the above mentioned comments the Local Highway Authority, therefore raises no objection to the proposal and in the event of permission being granted, I would recommend that the following condition is imposed:-

Prior to any engineering works are carried out a Traffic Management Plan providing details on the operations of the dredging traffic and equipment to the site shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

NOTES:

The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area at The Highways Depot, Burton Place, Taunton, Tel No 0845 345 9155,, He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.

ENVIRONMENT AGENCY -

We believe that the sites are acceptable in terms of the sequential test . Two of the 3 chosen sites were not affected by flooding during the 2013/2014 winter floods, and the third one is located away from any property. You may want to satisfy yourselves that the site passes the sequential test.

Despite the fact that these works will increase ground level within flood zone 3, the impact on the flood storage capacity in the moor is negligible in terms of the moor's overall flood storage capacity. Furthermore the dredging work will offset the increased flood level by creating more capacity in the channel, this removes the need for any on site mitigation.

To ensure that the stockpiles are a temporary fixture I would recommend a condition restricting the time in which they can be retained.

CONDITION

The stockpiled dredged material shall be removed and ground levels re-instated

within 18 months of the completion of the dredging work.

Reason: to reinstate the floodplain storage capacity of the moor.

I would recommend the following informative:

Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

Representations

None received

PLANNING POLICIES

NPPF - National Planning Policy Framework,
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP8 - CP 8 ENVIRONMENT,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

LOCAL FINANCE CONSIDERATIONS

The development of this site would not result in payment to the Council of the New Homes Bonus or CIL.

DETERMINING ISSUES AND CONSIDERATIONS

The main issues for consideration with the proposal for temporary storage of dredged material are drainage, wildlife and landscape impact and traffic.

Drainage

The reason for storage of material is to enable re-use of the dredged material for either flood risk management works or as a soil improver. This will involve the storage of material for up to a year on land that is part of the flood plain and would be at risk of flooding. However the amount of dredging stored would be minimal in relation to the overall capacity of the flood plain and given that the material has come out of the river channels it would not increase the risk of flooding elsewhere. The development would enable the dredging of the rivers to take place and reduce the risk of flooding in the future and is considered compliant with policy CP8 of the Core Strategy. The scheme is designed to help reduce the risk of flooding and there is no objection from the Agency to the development.

Wildlife and Landscape

The site has been identified as not lying within a SSSI or RAMSAR site and would not impact on the over wintering birds. A specific wildlife assessment has been carried out in relation to the site and there is not considered to be any adverse impact on protected species. The application has not received an objection from Natural England, who were consulted in the drawing up of the scheme, and the Biodiversity Officer also raises no objection. Natural England agrees with the mitigation measures put forward. Mitigation to protect species has been designed into the proposal with further assessment of the site prior to storage commencing and siting of stockpiles 10m away from drainage ditches and covering of the stockpiles. A Habitat Regulations Assessment has been carried out by the Environment Agency and it concluded that the dredging project would not cause an adverse effect on the integrity of the European Sites, provided a monitoring and mitigation programme is implemented to guide work during and after dredging. The storage of dredged material outside of designated sites for a temporary period as specified is similarly not considered to have an adverse effect on the integrity of European sites and Natural England confirm this view.

Visually the storage will be on average no higher than 2m and while the dredgings will be visible from local public vantage points and from a limited number of residences, the impact will be time limited and is not considered to have a significant visual impact on the character of the area to warrant either specific planting mitigation or an objection to the scheme.

Traffic

The proposed development will clearly see an increase in traffic flows over local roads as a result of the need to transport the materials to the stockpiles and their decommissioning. This is anticipated to result in up to 180 vehicle movements a day between April and October 2014 and there will be considerable variability in traffic throughout the construction period as a whole and also throughout individual days. During the decommissioning of the stockpiles this is likely to be 129 tractor/trailer movements per day over the same period in 2015. This increase in vehicle movements will obviously have an impact on local traffic flows and cause disruption. This impact is unavoidable, however it will be temporary and short term and given the importance of the work is not seen as grounds to object to the development. This view is also taken by the Highway Authority who raise no objection to the proposal.

It is not intended to utilise the full capacity of the site's 34,000 cubic metres and proposed storage is only intended to be 15,000 cubic metres due to the impact of traffic disturbance on adjacent properties and the main site is intended to be site 3. In addition the proposal indicates that a traffic management plan will be put in place to limit the impact of additional traffic and address safety issues that may result. Given that this is proposed and elements of any such plan would not be enforceable through a planning condition it is not considered that such a condition be imposed. A note concerning the need for any approval of the Highway Authority for works within the highway is proposed.

Other Matters

It is not considered that the proposed storage areas will have any significant long term impact on archaeology, ancient monuments or listed buildings given their locations.

Summary

It is considered that the benefits of the scheme in terms of reducing the flood risk in the area outweigh the harmful effects of the short term traffic increase that would result and in light of this, the above issues and the other planning matters it is considered that the development should be supported and temporary permission granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398