

Application No: 18/00015/VAR Variation / Removal of Condition

Site: Pondhead, Near Lyndhurst, New Forest

Proposal: Application to vary Condition 2 of planning permission 15/00294 to allow minor material amendment to retain the western link channel as built

Applicant: C/O Agent, Forestry Commission

Case Officer: Ann Braid

Parish: LYNDHURST

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view
Application made pursuant to the New Forest Higher Level Stewardship (HLS) scheme for wetland restoration

2. DEVELOPMENT PLAN DESIGNATION

Ramsar Site
Special Area of Conservation
Special Protection Area
Site of Special Scientific Interest
Flood Zone

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP1 Nature Conservation Sites of International Importance
CP2 The Natural Environment
CP3 Green Infrastructure
CP4 Climate Change
CP6 Pollution
CP19 Access
DP1 General Development Principles
DP2 Safeguarding and Improving Water Resources
DP4 Flooding and the Coast
DP6 Design Principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 11 - Conserving and enhancing the natural environment
Sec 12 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Lyndhurst Parish Council: Recommend that permission be refused. The link was not built in accordance with the location or detail of the applicant's own flood risk assessment and it is not considered that it has been properly tested as built at the present time. Weather conditions anticipated have not come to fruition and the link has not been properly tested as there has not been any significant flooding. Any significant flooding taking place to the western flow would have a significant impact on properties upstream.

8. CONSULTEEs

- 8.1 Natural England: No comment
- 8.2 Environment Agency: Support
- 8.3 Verderers of the New Forest: None received

9. REPRESENTATIONS

- 9.1 Three letters of objection have been received (2 from the same representee); the plans should have been implemented in accordance with the approved scheme and monitoring has been insufficient to determine whether the link channel would function during extreme rainfall. There is insufficient evidence to show that the western side drain may be filled in without adverse impacts upstream. Runoff from the neighbouring farm directly enters the watercourse through the new link channel.

10. RELEVANT HISTORY

- 10.1 Wetland restoration comprising the replacement of 290m of artificial channel with 388m of restored meander; bed level raising for a total length of 874m; replacement of 175m of the western side channel with a shallow channel; bed level raising of the eastern side channel for a total length of 50m; the installation of an open channel linking eastern and western side drains; the creation of a gravel stock crossing and the relocation of an existing bridge across the restored watercourse (15/00294) granted on 27 June 2016

11. ASSESSMENT

- 11.1 Members will recall that consent was granted in June 2016 for the restoration of the wetland at Pondhead. There was concern that the alterations to the catchment would exacerbate flooding upstream of the work, and put residential properties at risk. A condition of that consent (16/00294) required the work to be

undertaken in phases. The majority of the work would be undertaken as Phase 1 and comprised restoring the meanders and raising stream bed levels, the construction of a stock crossing and the relocation of a bridge. It also involved digging a channel to link the existing western side drain to the eastern side drain. There would follow a period of nine months of monitoring to ensure Phase 1 of the restoration would be capable of accommodating the water flows. The results of this monitoring process would be submitted for approval to the National Park Authority before Phase 2, the infilling of the existing side drain, would be carried out.

The full wording of the condition is;

"The scheme hereby approved shall be implemented in two phases. Phase 1 will comprise Items 1-5 and 7-13 as set out on the 'Proposed Site Plan and Description of Work Drawing Number 004 Rev A'. Phase 2 will comprise Item 6 on the same drawing: 'Infill western side channel, leaving a shallow overflow channel'.

Phase 2 will only be undertaken following a nine month period of monitoring between the months of October and June, following implementation of Phase 1 to assess whether the link is sufficient to carry the necessary flows into the eastern side drain. Details of the programme of monitoring of the link and the conclusions drawn shall be submitted in writing to, and approved by, the New Forest National Park Authority following the completion of the nine month monitoring period. Should it be demonstrated at that stage that the link is sufficient to carry the necessary flows then any temporary dam can be removed and the western side drain infilled, leaving the shallow overflow channel as set out on the 'Proposed Site Plan and Description of Work Drawing Number 004 Rev A'.

*Notwithstanding the details of the proposed link between the eastern and western side channels shown on 'Proposed Site Plan and Description of Work Drawing Number 004 Rev A', the link shall be implemented as per **'Figure 1a: Pondhead Location of Western Link Channel'** submitted on 17 June 2016, unless otherwise agreed in writing by the New Forest National Park Authority."*

The reason for the condition was; "To allow time to monitor and assess the performance of the link between the western and eastern channels and to minimise the effect of flooding on the occupants of the adjacent properties in accordance with Policies DP1 and DP4 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010)."

- 11.2 It should be noted that Phase 1 of the development has not been completed, and the nine-month monitoring exercise required by the condition has yet to be undertaken. One of the first elements of Phase 1 that was undertaken was the construction of the new link channel to link the western side drain to the eastern side drain upstream of its confluence with the watercourse along which the restored meanders would be created. Condition 2 required the new link channel to be constructed in accordance with a numbered plan, which showed the location, depth and profile of the link channel. Following construction it was found that the link channel had not been built in accordance with the approved plan, as its northern end was approximately 10 metres south of the approved location and its southern end was 2 metres north of the approved location. An enforcement investigation was undertaken, the applicant was advised that rather than refill and construct in the approved location, it would be less disruptive to the SSSI to block the western side drain temporarily to divert flows into the new channel and then monitor the link as built, to see if it would be fit for its purpose within the overall restoration scheme.
- 11.3 Monitoring of the performance of the link channel as built has been undertaken between January and December 2017 and the results form the basis of this application. The applicant seeks approval of the channel as built through the variation of condition 2 to refer to a revised detailed plan in place of "Figure 1a Pondhead Location of Western Link Channel." By this means the applicant would secure approval of the western link channel in its current location. As part of this procedure, all previous conditions may be reimposed and any other necessary conditions added to the consent.
- 11.4 The western side drain is fed by a number of relatively short drains which cross the flood plain east of Pondhead farm. The eastern watercourse now referred to as the Beaulieu River tributary (formerly the eastern side drain) is much longer and is the watercourse which carries surface water from the southern end of Lyndhurst. To measure the flow rates, data loggers supplied by the Environment Agency were installed on the eastern side drain under the footbridge, and further downstream at Holmhill Passage. Time lapse photography and fixed point photographs have also been submitted to show water levels.
- 11.5 The submitted monitoring report states that on the wettest day during the monitoring period, 29 July 2017, 24mm of rain fell which raised the flow within the watercourse from 0.15 metres to 0.69 metres in just less than 4 hours. The revised location of the link channel would not affect its capacity to transport flows and therefore the discharges calculated in the original Flood Risk Assessment are still valid. The photographic evidence reinforces this as the channel has not overflowed during the monitoring period. The submitted reports conclude that the revised location of the link channel would have little impact upon its performance within Phase 1 of the restoration scheme.

- 11.6 The revised angle of the link channel means that the link would be shorter and flows would turn at a sharper angle into the link. The report accepts that this may result in erosion at its northern end, but concludes that the likely speed of flow into the link channel (which only drains relatively short sections of field drain) makes this erosion unlikely. The link is shown to be shorter but also wider. The plan of the cross sections of the east-west slope shows the upstream cross-section as 0.5 metres deep and the downstream section as 1.2 metres deep. With regard to erosion, if flow velocities are high, there would be some likelihood of erosion at the northern end of the link channel, where the flow is forced to turn at a sharper angle. At the expected flow rate of 92 litres per second, the water would have a mean velocity of 0.112 metres per second (m/s) at the upstream end and 0.038m/s at the downstream end. Both these velocities are too slow to erode non-cohesive material (0.2m/s) and cohesive materials such as clay plugs require a velocity of 1 m/s before erosion takes place.
- 11.7 Concern has been expressed by neighbours that there could be deposition at the southernmost end of the link channel, which would restrict the flow of the eastern side drain (which carries surface water from the southern part of Lyndhurst, including the improved drains along Gosport Street). Any restriction to the flow of water in this channel could have adverse impacts on properties up stream as in the past, during extreme conditions, the eastern side drain stream has flooded close to the level of their property. No such extreme weather conditions have been experienced since construction of the link channel, and therefore it remains to be seen whether it would be capable of accommodating high flow rates. However, as it has been shown that erosion would not be likely to occur, it follows that the risk of deposition would also be low. Neighbours are also concerned about run off from the nearby Pondhead farm. The letter states that water and contaminants from the farm used to filter through the western side drain, but now run straight through the link, and enter the watercourse. However, the Environment Agency has not raised any objection to the revised link and the farm has been taking advice from Natural England and is looking to take steps to achieve better run-off management, including proposals for new buildings to provide dry covered areas for livestock.
- 11.8 During discussion prior to Committee consideration of the full application in June 2016, the applicant held a meeting with neighbours. A conceptual design diagram was provided to show that there would be sufficient fall between the western and eastern channels to enable water to flow from the western to eastern channel. The slope for the proposed link would prevent the possibility of a backwater effect. It has been confirmed that this drop has been incorporated into the link channel as built. The applicant therefore provides assurances that the revised location would not make a material difference to the performance of the link as, apart from location, it has been built in accordance with

the approved plans and the restoration proposals will not increase flood risk to adjacent properties.

- 11.9 It has been raised by local residents that the rainfall experienced since construction of the link channel has not been at the levels experienced in the locality in recent years and for this reason the link has not been sufficiently tested. The Parish Council also raise this issue as a concern in their recommendation of refusal. Photographic evidence has been submitted to show the level of flooding that has been experienced in the Pondhead flood plain during extreme events, and last year was not especially wet. However a similar extreme event may not occur for some time, and, in any case, following completion of Phase 1 in its entirety, the monitoring over a nine month period will be undertaken as required by the original Condition 2 attached to the consent. This would establish whether the restored wetland can accommodate the water flow along the Parkhill Lawn Stream, the western side drain and the Beaulieu River tributary. Once this is established and results submitted to the Authority, Phase 2, which involves the permanent infilling of the western side drain downstream of the link channel, may proceed.
- 11.10 It is therefore recommended that Condition 2 of 15/00294 should be varied to refer to the revised plan, and other conditions re-applied as necessary.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 The scheme hereby approved shall be implemented in two phases. Phase 1 will comprise Items 1-5 and 7-13 as set out on the 'Proposed Site Plan and Description of Work Drawing Number 004 Rev A'. Phase 2 will comprise Item 6 on the same drawing: 'Infill western side channel, leaving a shallow overflow channel'. Phase 2 will only be undertaken following a nine month period of monitoring between the months of October and June, following implementation of Phase 1 to assess whether the link is sufficient to carry the necessary flows into the eastern side drain. Details of the programme of monitoring of the link and the conclusions drawn shall be submitted in writing to, and approved by, the New Forest National Park Authority following the completion of the nine month monitoring period. Should it be demonstrated at that stage that the link is sufficient to carry the necessary flows then any temporary dam can be removed and the western side drain infilled, leaving the shallow overflow channel as set out on the 'Proposed Site Plan and Description of Work Drawing Number 004 Rev A'.
Notwithstanding the details of the proposed link between the

eastern and western side channels shown on 'Proposed Site Plan and Description of Work Drawing Number 004 Rev A', the link shall be implemented as per 'Figure 1a: Pondhead Location of Western Link Channel- Revision A' hereby approved, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To allow time to monitor and assess the performance of the link between the western and eastern channels and to minimise the effect of flooding on the occupants of the adjacent properties in accordance with Policies DP1 and DP4 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 2 The works shall be carried out in accordance with the details as set out in the submitted Construction Environmental Management Plan and Biodiversity Statement prepared by LUC dated April 2015, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To safeguard protected species and habitats in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 A) All ground works or development will be subject to the submitted Written Scheme of Investigation for Archaeological Mitigation Works (WSI) by Oxford Archaeology dated July 2016 Issue Number 3. The programme and methodology of site investigation and recording will conform to the submitted Written Scheme of Investigation WSI in respect of:

The programme for post investigation assessment

The methodology as defined in the WSI for site investigation and recording

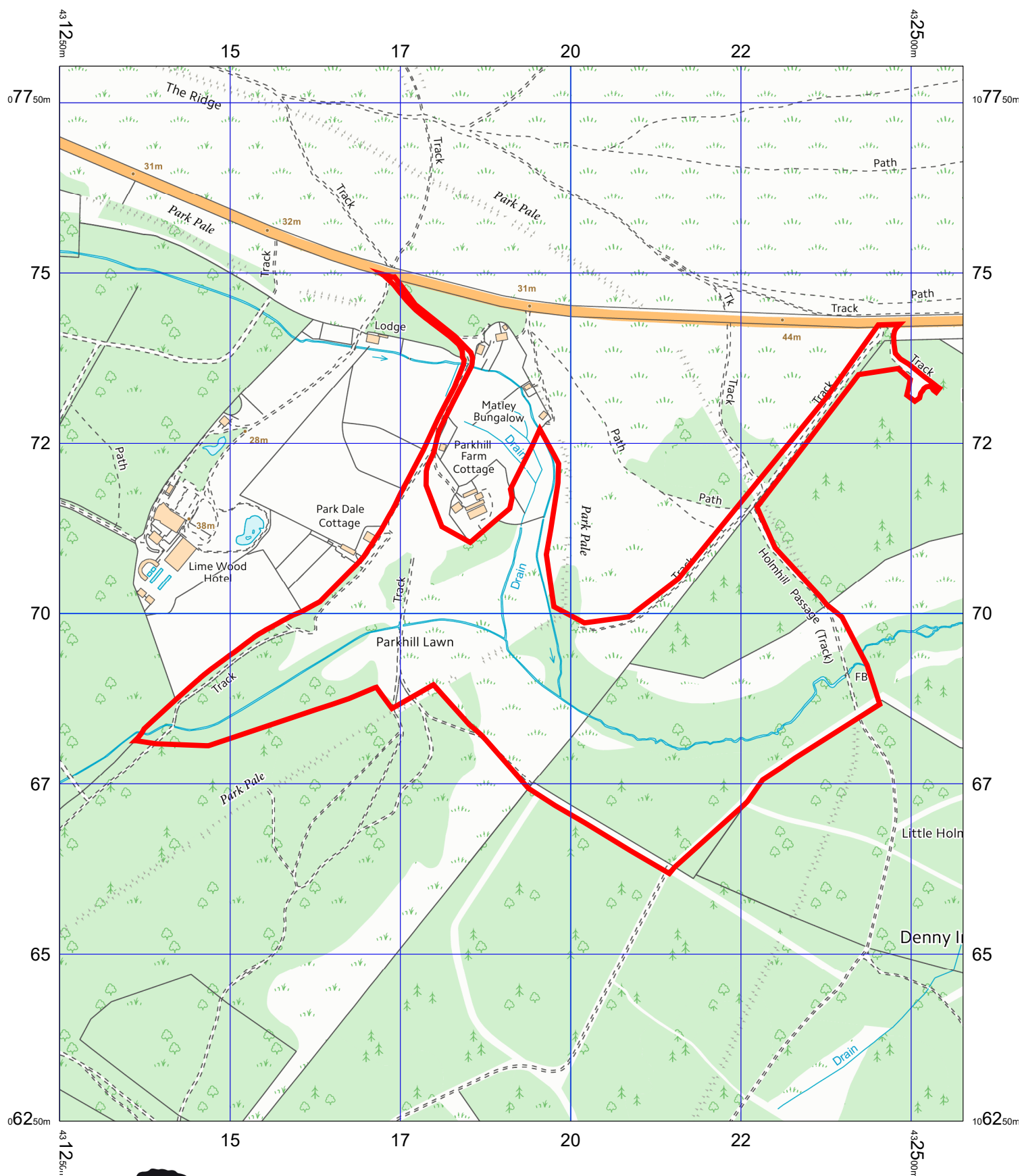
The methodology for publication and dissemination of the analysis and records of the site investigation as provided in the WSI

The archive deposition of the analysis and records of the site investigation as provided in the WSI.

That a competent person or persons/organisation undertakes the works as set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation. The site investigation and post investigation assessment must be completed in accordance with the programme set out in the Written Scheme of Investigation and provision made for analysis, publication and dissemination of results and archive deposition to be submitted for agreement by the New Forest National Park's Archaeologist.

Reason: The development is located in an area of archaeological significance where the recording of archaeological remains should be carried out prior to the development taking place in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



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