

**Application No: 15/00294/FULL Full Application**

**Site:** Pondhead, Near Lyndhurst, New Forest

**Proposal:** 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.

**Applicant:** Forestry Commission

**Case Officer:** Emma MacWilliam

**Parish:** LYNDHURST

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**1. REASON FOR COMMITTEE CONSIDERATION**

Application made pursuant to the New Forest Higher Level Stewardship (HLS) scheme for wetland restoration.

Previous committee consideration.

**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 refusal:

- Despite a revised FRA it appears that the points of clarity requested have not been satisfactorily addressed. Proper topographical surveying in the area has not been carried out satisfactorily (request item 4); consider that the bridges contribute to localised flooding;
- No monitoring of the flow and volume created by the significant and now extremely effective, drainage improvement works on Gosport Lane has been undertaken, which drain a significant part of the village, and the impact that will have on the downstream areas, particularly in times of sudden high volume rainfall (request item 2);
- Still inadequate information regarding the plans for the western side drain (request item 3) and the impact of those plans.

Concerns remain that FRA data is still wrong and that the hydraulic modelling is also incorrect. Proposals likely to have a significant negative impact on those neighbouring properties already at risk.

## **8. CONSULTEES**

8.1 Archaeologist: No objection subject to condition.

8.2 Natural England: No objections subject to conditions. Throughout the planning of this proposal Natural England have worked closely with the Forestry Commission and the Environment Agency. The proposal is entirely necessary for European site management. Natural England considers that the works are necessary for the management of the European site interest features for nature conservation purposes, enabling the maintenance or restoration of those features and contributing to the achievement of the site's Conservation Objectives. The proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 61 of the Habitats Regulations 2010, as amended. Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. The SSSI does not represent a

constraint in determining this application.

- 8.3 Environment Agency: No objections and offer full support to the application. The FRA has been assessed and deemed fit for purpose.
- 8.4 Verderers of the New Forest: Support the application for the following reasons:
- Turns the clock back to remove previous man made interventions.
  - Will improve the landscape amenity of the forest.
  - Will encourage the re-establishment of the flood plain, depositing beneficial organic matter on the forest rather than it being washed out to sea.
  - Will reduce floodrisk downstream.
  - Will improve grazing for the benefit of the animals.
- 8.5 Land Drainage (NFDC): It is noted that the Environment Agency have dealt with this application.

## **9. REPRESENTATIONS**

- 9.1 Nine letters of representation received from local residents raising the following concerns;
- The applicant has not monitored impacts of the Gosport Lane works on the watercourse as required
  - The revised FRA is not an accurate reflection of the impact from the Gosport Lane works and underestimates the fast flow run off and potential downstream impacts. The catchment area may not have changed but works have affected flow rates.
  - The flood modelling does not accurately estimate the existing propensity of the watercourse. Lidar data is likely to have underestimated the existing channel capacity
  - There is a clear discrepancy between the theoretical and actual performance of the streams flow rates. This likely due to an underestimate of actual storm flows and is likely to result in underestimation of post work flood levels.
  - No dimensions of the western side drain, or its precise location, have been provided and therefore this cannot have been

accurately modelled in the FRA to assess its capacity. No flood risk to properties therefore cannot be assured.

- Existing structures do impede current flow despite the FRA claiming they do not
- The area immediately adjacent to Limewood Lodge has not been modelled and this area is vulnerable to bottlenecking and backwater effects from structures
- Revised FRA does not demonstrate that there will be no adverse impacts to livestock grazing and access

- 9.2 One letter of representation from the New Forest Association in support of the application. The project is intended to improve the ecology of the New Forest. It is not about improving recreation or grazing and recreational facilities may suffer to an extent. It is not about preserving archaeology, although damage should be minimised. It is not a flood prevention scheme. The restoration will result in an increased in habitat and will add value to the stock of flora and fauna. There is a question over the need for gravel stock crossings.

## **10. RELEVANT HISTORY**

- 10.1 Wetland restoration comprising the replacement of 290m of artificial drain with 388m of restored meander; bed level raising for a total length of 874m; replacement of 175m of side drain with a shallow channel; the creation of a gravel stock crossing and the relocation of an existing bridge across the restored watercourse (15/00046). Withdrawn 04/03/2015.
- 10.2 Three similar applications have been recently approved at Planning Committee for Sluffters Inclosure to the north of the A31 between Picket Post and Stoney Cross (Ref 14/00394), Harvest Slade Bottom to the north of Burley Village (Ref 14/00611) and Amberslade and Broomy (Ref 15/00045) to the east of the High Corner Inn, Linwood.

## **11. ASSESSMENT**

- 11.1 Members will recall that this application was reported to the Planning Committee back in November 2015 whereupon it was resolved to defer the application to consider and clarify four specific aspects in relation to flood risk:
- The recent drainage works to Gosport Lane and their impact on the down stream flows – the concern being that water will now

flow much faster and in greater volume into Pondhead;

- The need for a more detailed, topographical survey;
- The effect of removing the western side drain; and
- The impact of relocating the bridges/crossing points and whether these would cause blockages.

11.2 On 13 April 2016 the applicant submitted an updated Flood Risk Assessment (FRA) and has sought to address each of the above issues as follows:

11.3 The impact of recent drainage works at Gosport Lane on the down stream flows into Pondhead

The updated FRA concludes that the drainage system subject to repair/replacement on Gosport Lane does not have an increased capacity to convey surface water from the carriageway to the Pondhead catchment, nor would it significantly change the pattern and rate of water flow at the catchment scale. There has been no significant change to the catchment area or to its characteristics as a result of the works.

11.4 The need for a more detailed, topographical survey

The Authority's LiDAR data used in the original FRA was reviewed by the applicant against newly available Environment Agency LiDAR and local third party (resident) topographic survey data to benchmark the accuracy of the original data used. A geographical information system package (ArcGIS) was used to compare heights of the topographic survey points in relation to the corresponding closest LiDAR data points for both LiDAR datasets. The FRA concludes for the purposes of flood risk modelling that the LiDAR data originally used is sufficiently accurate.

11.5 In parallel with the LiDAR comparison exercise, a topographic survey of the watercourse was commissioned by the Forestry Commission in December 2015 to provide cross-sections of the main watercourses and immediate floodplain. The flood modelling exercise was rerun using the cross-section topographic survey data of the channels and immediate floodplain, augmented with the NFNPA LiDAR dataset of the floodplain. The FRA was then reassessed based on these revised model outputs. The applicant advises that the results corroborate the findings of the original FRA:

- There is no flood risk change to properties or buildings in the area (including Pondhead Farm, Matley Cottage, Parkdale Cottage and The Lodge);

- The proposed works will have no impact on flood levels beyond 105m upstream of the main watercourse (eastern channel) confluence with the tributary channel;
- There will be an increasing impact on flood levels in the upper part of the southern tributary channel (as expected) as the stream is re-connected with its floodplain in its upper reaches;
- There will be a minimal impact on flood levels at other locations;
- The works proposed will not impede flood flow routes or result in a net loss of floodplain storage
- The works will generally result in a reduction of flooding downstream because of greater connectivity with the floodplain upstream and because the new meanders will store more water than the existing straight channel.

#### 11.6 The effect of removing the western side drain

The western side drain is not to be removed, rather it will be partially infilled leaving a shallow overflow channel. The flow from the western side drain and the upstream catchment area has been incorporated into the FRA. The partial infilling of the western side drain would not adversely affect the flood risk in the downstream area because the diverted flow into the eastern channel is not significant, and would reach the Pondhead watercourse at a short distance downstream of the original western side channel confluence with the tributary channel.

#### 11.7 The impact of relocating the bridges/crossing points and whether these would cause blockages

The application includes the relocation of a wooden vehicle bridge, and the provision of stock crossings. All in-channel structures were incorporated in the topographic survey. The FRA found that they do not block free flowing water in the channel.

#### 11.8 The model was also run with the relocation of the bridge in the middle of Parkhill Lawn. This showed a negligible effect on flow levels upstream of the bridge, demonstrating that its relocation would have minimal impact on flow levels.

#### 11.9 The modelling exercise showed that the stock crossing points to be provided to the main watercourse would result in a small increase in flow levels during smaller, more frequent flood events, and a minimal increase or decrease during larger events. This is due to more water being stored on the flood plain upstream along the southern tributary channel. Adding a stock crossing across the new

proposed open link channel would not make a significant change in flood flow levels because the diverted flow into the eastern channel is not significant.

11.10 The applicant has provided further details in response to the issues raised in the nine letters of representation and the comments of the Parish Council, as set out above, and has confirmed that:

- The Gosport Lane works will not have significantly increased the flow or volume of water that enters the Pondhead catchment during heavy rainfall.
- The FRA has considered the existing situation within the site and the immediate surrounding area, acknowledging that flooding already occurs. Adjacent properties will not have an increased risk of flooding (when compared to the existing situation) as a result of the proposed works.
- The findings of the re-run hydraulic model have confirmed overbank flows at some locations along the eastern channel in the existing situation. The findings have indicated no change in flood risk at the bridges/crossings along the eastern channel.
- The impact of relocating the bridges/crossing points will not significantly impede flood flows and will not have a significant impact on flood risk. The backwater effect will not change after implementation of the restoration.
- The bridges at Lime Wood Hotel and Pondhead Farm are located within Flood Zone Risk 3 and are therefore already at risk of flooding. The flood inundation extent and backwater effects will not be affected by the proposals.
- No properties or land uses are likely to be affected other than the immediate channel and floodplain provided that mitigation measures are implemented.

11.11 In relation to the issues raised it is noted that the agent contacted the Parish Council on 5 May and 12 May 2016 to offer a meeting with the Forestry Commission to discuss and address any remaining queries. The Parish Council declined this offer.

11.12 A meeting was held on 10 May between the Forestry Commission and local residents to discuss outstanding issues. Following this meeting further information has been provided to clarify the method used to calculate flows in the Environment Agency's Flood Estimation Handbook as well as a conceptual design for the proposed link between the western and eastern channels.

- 11.13 The applicant advises that the conceptual design demonstrates that there is sufficient fall between the western and eastern channels to enable water to flow from the western to eastern channel. The considered slope for the proposed link restricts the possibility of a backwater effect being caused. It is also advised that regardless of the accuracy of the flow rates (underestimation or overestimation) the flood level would not change before and after the restoration scheme along the Pondhead watercourse (except further downstream, as set out in the FRA). The applicant provides assurances that the FRA has fully taken into account the existing situation and that the restoration proposals will not increase flood risk to adjacent properties.
- 11.14 The EA have confirmed agreement with the FRA approach and its conclusion, stating that this is fit for purpose, and continue to support the application. Natural England continue to raise no objections following the submission of the revised FRA.
- 11.15 Residents have subsequently raised concerns regarding:
- The location of the link between the western and eastern channels and the details of its length and depth
  - Impacts upon access to people and stock
  - Impacts upon flooding to private property as a result of the siting of the link and continued underestimation of flows
- 11.16 These concerns are noted. The applicant continues to provide assurance that concerns around flow rates have been fully addressed in the FRA, that the location of the link is as proposed in the application drawings (downstream of the bridge) and that provided in the additional information is conceptual. It is assured that its siting will not affect access and that the feasibility of the link has been demonstrated due to sufficient fall between the west and eastern channels.
- 11.17 In order to be absolutely clear on the acceptability of the proposed link officers have gone back to the agent to request some clarification and accurate details on its actual siting and dimensions. The conceptual details provided do not currently give adequate assurance that this element of the restoration proposals would be of sufficient design and siting to carry the necessary capacity of water to ensure no flooding would occur to adjacent protected properties. It is hoped that these details will be available at the time of the Committee Meeting.
- 11.18 Officers have also asked whether it is feasible for the applicant to



consider a phased approach to the restoration works in this specific instance, given the proximity of neighbouring residential properties. Should the technical details requested give the necessary assurances then a suggestion is that the link could be 'tested' on the ground prior to the rest of the works taking place, most particularly the infilling of the western side drain. This would involve implementing the link as per the technical details provided alongside the damming up of the western side drain. A period of monitoring could then assess whether the link is sufficient to carry the necessary flows into the eastern side drain. If this proved to be the case, then the temporary dam could be removed and the western side drain infilled. This phased programme of works could be secured by an appropriately worded condition.

- 11.19 Subject to the receipt of satisfactory details and further information relating to the proposed link and the feasibility of a phased approach to the restoration works, it is hoped that officers will be in a position to recommend conditional approval as detailed below.

## **12. RECOMMENDATION**

Subject to the receipt and consideration of the information requested above, and any further conditions that might be required, Grant Subject to Conditions

### **Condition(s)**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 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) No demolition/development shall take place/commence until a programme of archaeological work including a revised Written

Scheme of Investigation has been submitted to and approved by the local planning authority in writing.

The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

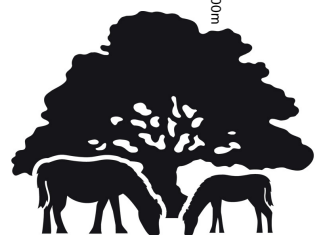
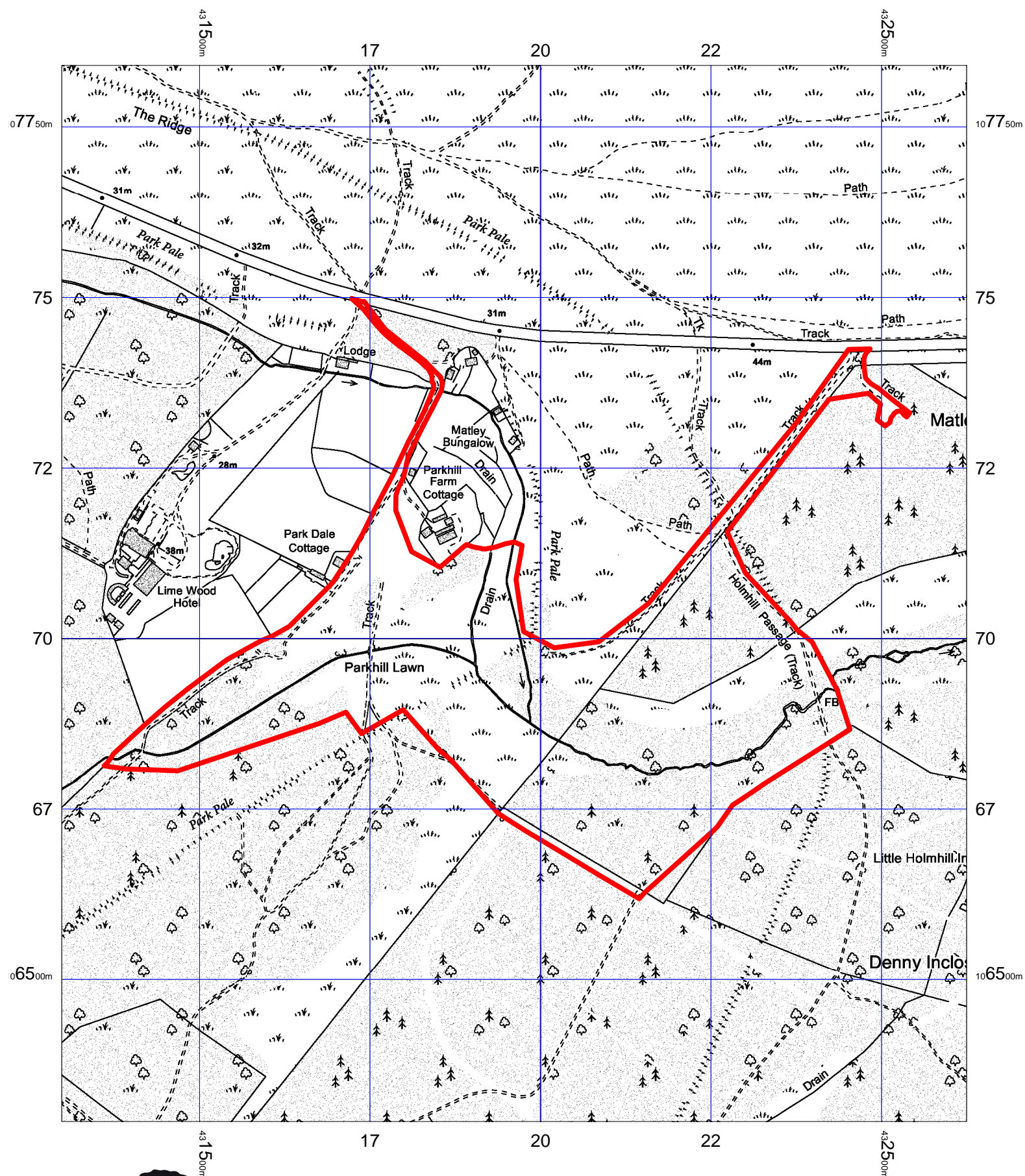
B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) These conditions will not be discharged until the programme set out in the revised Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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).

**Informative(s):**

- 1 The Authority has considered the application in relation to its adopted Core Strategy, the National Planning Policy Framework and any other relevant material planning consideration and has confirmed to the applicant or their agent that the development is compliant and does not harm the character and appearance or amenities of the area.



NEW FOREST  
NATIONAL PARK

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