

Application No: 16/00242/FULL Full Application

Site: Wootton Riverine Woodland, Avon Water, Wootton Bridge, Hampshire

Proposal: Restoration of Avon Water to a meandering stream course; infill redundant sections; new and replacement crossing structures

Applicant: Forestry Commission

Case Officer: Emma MacWilliam

Parish: BROCKENHURST

1. REASON FOR COMMITTEE CONSIDERATION

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

2. DEVELOPMENT PLAN DESIGNATION

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

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP1 Nature Conservation Sites of International Importance
CP2 The Natural Environment
CP3 Green Infrastructure
CP4 Climate Change
CP16 Tourism Development
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

7.1 Brockenhurst Parish Council – Support

7.2 Hordle Parish Council – Support

7.3 Sway Parish Council – Support. Request that a footbridge be constructed during phase 1 for the benefit of walkers preferably at or near to the location of the underpass. Project should be advertised in advance of construction works, to include alternate routes during operations.

7.4 Burley Parish Council - Recommend refusal. Question the need for the works; the Avon Water appears to be stable and the surrounding mires/bogs are wet all year. The proposed plans do not show any proven link with the historical line of the watercourse. No consideration given to the likely upstream effects of the works. No Environmental Impact Assessment and/or Habitats Regulations Assessment have been undertaken prior to submission of this application.

8. CONSULTEES

8.1 Ecologist: No objection subject to conditions

8.2 Environment Agency: No objection

8.3 Verderers of the New Forest: Support

8.4 Natural England: No objection subject to conditions. The proposal is entirely necessary for European site management. 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.

8.5 Archaeologist: No objection subject to conditions

8.6 Highway Authority (HCC): No objection

8.7 HCC Access Development Officer (Planning): No objection subject to conditions

8.8 Landscape Officer: No objection

8.9 Highways England: No objection

9. REPRESENTATIONS

- 9.1 Fifteen letters of representation have been received from local residents. One in support, three making comments and 11 objecting. Concerns raised in relation to access for walkers, dog walkers and horse riders; need and necessity of the works; impacts upon protected plant and animal species; flooding; more detail required on access within the site; more detail required in relation to maintain access for horse riders and suitability of the tracks and more details required regarding impacts upon fish.
- 9.2 One letter of representation from New Forest Access For All commenting on requirements for access for wheelchairs and scooters.
- 9.3 One letter of representation from the New Forest Association in support of the application.
- 9.4 One letter of representation from the Ringwood Natural History Society in support of the proposals.
- 9.5 One letter of representation from the New Forest Equestrian Association, commenting on the application and requesting a number of conditions should planning permission be granted.
- 9.6 One letter of representation from Hampshire and Isle of Wight Wildlife Trust in support of the application.

10. RELEVANT HISTORY

- 10.1 Three similar applications have been recently approved at Planning Committee for Sluffers 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. The proposed works at Pondhead (Ref 15/00294) are currently under consideration.

11. ASSESSMENT

Site and Surroundings

- 11.1 The site is within Wootton Riverine Woodland (a Unit within the New Forest SSSI) and follows the course of Avon Water on the Open Forest, forming part of the grounds grazed by commoners stock.
- 11.2 The Avon Water rises near Holmsley to the south west of the New Forest, and flows southeastward, for approximately 14.5km (9 miles), discharging to the sea at Keyhaven. The Environment Agency's Flood Map for Planning indicates that the site spans all three Flood Zones.

- 11.3 The site is well used for recreation and there are a number of cycle paths in the adjacent inclosures, and horse riding paths that run through the site as well as walking tracks and Wootton Bridge. While there are no residential properties within the site boundary, there are two dwellings approximately 190m downstream of the site, which fall within the Flood Zone.
- 11.4 The site is located within the New Forest SSSI and New Forest SAC, SPA and RAMSAR sites (Wetlands of International Importance). The site lies within an area of ancient woodland.

Background and Description of Development

- 11.5 The Wilverley Bog area was subject to historic drainage modifications which has subsequently resulted in erosion within the riverine woodland habitat and there is limited seasonal inundation and inconsistent interaction with the floodplain. As a result the riverine woodland habitat is adversely affected, being currently classed by Natural England as being in 'unfavourable recovering condition'. The assessment of 'recovering' is made due to the units inclusion within the Forest Design Plan and wetland restoration programme.
- 11.6 Legal requirements relating to the habitats designation, protection and management are set out in the Conservation of Habitats and Species Regulations 2010. The Forestry Commission has a legal responsibility under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights Way Act 2000 and the Natural Environment and Rural Communities Act 2006) to restore and maintain SAC and SSSI designated land and features where the habitat has been assessed by Natural England as being in unfavourable condition.
- 11.7 This application is for wetland restoration and is one of a phased programme of works designed to restore and enhance the internationally-important habitats of the New Forest. The proposed scheme seeks to restore, enhance and safeguard the internationally important SSSI and wetland habitats of the New Forest and enhance the Avon Water by returning it to a natural meandering course. The works are necessary to ensure that these are restored to a 'favourable condition' by removing the effects of historic artificial drainage modifications.
- 11.8 The proposed works are split into two phases; The restoration plan for Phase 1 covers the stretch of Avon Water, from the ford and underpass at SU23860030 to Wootton Bridge (approximately 1400m). The works will start approximately 745m to the south east of where the River Avon crosses the A35 and continue to the edge of the perambulation at Sway. Works will include infill of around 1141m of current straightened channel to restore the floodplain meander, spoil removal and bed level raising of around

195m. Existing access structures will be retained or reinstated (some being relocated).

- 11.9 The restoration plan for Phase 2 covers the stretch of Avon Water from Wootton Bridge to approximately 60m upstream of the footbridge at SZ26389881 (approximately 1600m). This also involves restoring the floodplain meander, spoil removal and bed level raising. This phase will include infill of around 750m of current straightened channel (plus an approximate 400m of extra spoil bank removal on straightened section), and partial infill through raising the bed level of around 480m. Existing access structures will be retained or reinstated.
- 11.10 During the course of the current Pondhead application a third party request was made to the Secretary of State (SoS) for a screening direction on the matter of whether or not the development proposed constituted 'EIA development' within the meaning of the 2011 Regulations. The SoS determined that the proposal was not likely to have significant effects on the environment and was not therefore 'EIA development'.
- 11.11 In light of the SoS consideration that wetland restoration works fall within the description of Schedule 2 works, and on the basis that the land affected is located in a sensitive area, the Authority has considered afresh whether an EIA is required and concluded that the proposed development is not 'EIA Development'. A revised screening opinion has been published to this effect.
- 11.12 Similarly, as the competent authority, it has been determined under the provisions of the Habitats Regulations that as the proposal is entirely necessary for European site management and that the works are necessary for the management of the European site interest features for nature conservation purposes, the proposal can be screened out from further stages in the Habitats Regulations Assessment process.

Issues for consideration

- 11.13 The main issues for consideration with this application are:
- Requirements of the proposed works for the conservation and protection of biodiversity and ecology
 - Impacts upon the special qualities, character, amenity and landscape setting of the site and wider National Park
 - Impacts upon public access and amenity
 - Impacts upon grazing and commoning
 - Impacts upon flooding
 - Impacts upon archaeology and heritage assets
 - Impacts upon highway safety and access

Legislation and Policy Considerations

- 11.14 The proposal is considered to comply with relevant legislation such as the Environment Act (1995), the Countryside and Rights of Way Act (2006) and the Natural and Rural Communities' Act (2006)

National Planning Practice Guidance (2014)

- 11.15 The Guidance confirms that legislation places a duty on Authorities to have regard to the purpose of conserving biodiversity. Authorities should therefore seek opportunities to work collaboratively with other partners to develop and deliver a strategic approach to protecting and improving the natural environment based on local priorities and evidence. Equally, they should consider opportunities that individual development proposals may provide to enhance biodiversity and contribute to wildlife and habitat connectivity in the wider area.
- 11.16 Biodiversity enhancement should be led by a local understanding of ecological networks, and should seek to include:
- Habitat restoration, recreation and expansion
 - Improved links between existing sites
 - Buffering of existing important sites
 - New biodiversity features within development
 - Securing management for long term enhancement

National Planning Policy Framework (2012)

- 11.17 Section 11 - Conserving and Enhancing the Natural Environment
Para 109 confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and geological conservation interests and soils. Para.115 confirms that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty.
- 11.18 Authorities should promote the preservation, restoration and recreation of priority habitats, ecological networks and the protection of priority species populations and aim to prevent harm to geological conservation interests (Para 117).
- 11.19 Paragraph 118 sets out that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted.

New Forest National Park Core Strategy and Development Management Policies DPD (2010)

- 11.20 Strategic Objective 1 of the Core Strategy is to *'Protect and enhance the natural environment of the National Park, including the natural beauty of the landscape and the range of habitats and*

species'. Strategic Objective 2 is to 'Conserve and enhance the wealth of individual characteristics that contribute to the local distinctiveness of the built environment of the New Forest'.

- 11.21 The relevant specific policy to this application is Policy CP2. It is considered that the scheme would protect, maintain and enhance this important site and the features of the natural environment and therefore complies with this policy. This is discussed in more detail below. In addition it is considered that the proposal respects the natural environment, landscape character and biodiversity that comply with Policy DP1 (b).

New Forest Wetland Management Plan 2006-2016

- 11.22 Seeks to *'ensure the continued long term sustainability and integrated management of water-courses and wetland habitats' which 'will prevent further decline of SAC habitats and bring them into favourable condition'.*
- 11.23 The other relevant policies are discussed in relation to the other material considerations set out below.

Planning Assessment

Biodiversity and Ecology

- 11.24 SPA's SAC's and Ramsar Sites enjoy the highest level of statutory and government policy protection to maintain and restore any nature conservation interest. Core Strategy Policy CP1 seeks to protect the integrity of internationally important sites of nature conservation. CP2 seeks to protect, maintain and enhance nationally, regionally and locally important sites and features of the natural environment, including habitats and species of biodiversity importance, geological features and the water environment.
- 11.25 The Biodiversity Statement submitted summarises a range of ecological surveys which have been undertaken to determine the effect the proposed works will have on habitats and species within the site. Ecological effects have been evaluated and recommendations for mitigation have been made to ensure that the proposed works do not result in any adverse impact upon biodiversity. The information submitted sets out that in the longer terms the restoration works will create a more diverse habitat for a variety of species.
- 11.26 Paragraph 5.1 of the Biodiversity Statement submitted with this application sets out that *'the Unit 539 Restoration Plan (Natural England 2014) states that no significant adverse impact is predicted for the Wilverley Bog SSSI, which is located immediately adjacent to the north of the watercourse'.* It goes on to conclude that *'unless this restoration work is undertaken*

incision is likely to continue to result in increased floodplain disconnection and reduced wet woodland inundation. Over time this would result in alteration of the nature of the riparian vegetation community and would negatively impact the condition of both the SSSI Unit. Then restoration scheme is therefore vital in achieving a favourable status of the SSSI Units'. Whilst the SSSI Units are assessed as being in 'unfavourable recovering' condition, the recovering part of this condition assessment is related to the plans presented within this application to restore the natural hydrology of the area.

Habitats:

- 11.27 The Biodiversity Statement sets out that slowing the movement of water through the catchment will have a positive impact on Wilverley Bog. The restoration proposals will increase the level of interaction between the watercourse and its floodplain and this will be improved by the slowing of water moving through the system.
- 11.28 Natural England have raised no objection to the scheme and consider that *'the restoration works are necessary for European site management' and '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'*. Their letter states that *'the scheme will remove the effects of artificial drainage on Unit 539 of the SSSI and enhance the Avon Water by returning it to a natural meandering course. The meandering course will diffuse the rate of flow, reduce the rate of erosion and allow the stream to more naturally interact with its floodplain'*.
- 11.29 Natural England conclude that *'the works 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'*. In addition, the NPA Ecologist has raised no concerns with regard to the scheme in this respect.

Protected Species:

- 11.30 The Biodiversity Statement submitted with this application sets out that following the mitigation measure proposed, the works are not anticipated to affect any protected or notable species. In the longer terms it is anticipated that there will be a beneficial effect and that the habitat is more likely to become stable and permanent as a result of the hydrological change. A monitoring programme is to be undertaken post works.

Mitigation:

- 11.31 The information provided in the Biodiversity Statement includes details from field studies and surveys, the outcomes of which address the impacts upon animal species, bird species, raptors, reptile and, plant species. It considered that this information is acceptable to demonstrate that adverse impacts upon protected species will be minimal and that mitigation proposed is acceptable.
- 11.32 The Authority's Ecologist has no objection with the proposals as set out and supports the proposals subject to the development being in accordance with the mitigation and avoidance measures proposed in the supporting Construction Environmental Management Plan and Biodiversity Statement unless otherwise agreed.
- 11.33 The proposals deliver restoration that is appropriate to manage and maintain biodiversity interests within Wootton Riverine, including those of the SSSI. The proposals and the overall scheme of restoration assist the delivery of objectives of the Government's Planning Practice Guidance, the National Planning Policy Framework, the National Park Management Plan and the National Park Statutory Duties. Policies CP1 and CP2 are also therefore complied with.

Amenity and Landscape Setting of the Wider National Park

- 11.34 The restoration of the wetlands habitat will help to increase connectivity of the network of green infrastructure and natural habitats within and beyond the New Forest National Park. The works are also likely to enable to wildlife and habitats within the site to adapt to future climate change through the safeguarding and restoration/regularisation of the natural wetlands habitat and flooding of the watercourse. As such the application is in accordance with Policies CP3, CP4 and DP2. The NPA Landscape Officer has raised no objection to the application and comments that the restoration proposals will be beneficial for the landscape character of the area, giving long term improvements to landscape quality.
- 11.35 It is considered that the impact upon the visual amenity of the site and the wider landscape will be limited due to the nature of the works and the landscape and topography of the locality surrounding the site. Materials proposed will be appropriate to the character and setting of the National Park. The proposals accord with Policy DP1.
- 11.36 A number of trees have already been felled within the site and some additional trees may require felling to facilitate the works and access in accordance with a felling licence. Work will be undertaken during summer and early autumn months when water flows are low and ground damage can be minimised. Works for each phase are expected to last for approximately 9 weeks, with

working hours being between 6am to 7pm Monday to Friday. Low ground pressure tracked excavators, rubber tracked dumpers and bog mats will be used to reflect ground conditions. Works will be postponed if the ground is too wet until conditions are suitable to minimise damage to habitats. The application is in accordance with Policies CP3, CP4, DP1 and DP2.

- 11.37 The site will continue to function as Open Forest, accessible to the public and commoners stock. Public Rights of Way will not be affected as a result of the scheme, existing access points will be retained or reinstated and the site will remain open to public access at all times post works. As such public amenity and access will remain largely unaffected once the works are complete.
- 11.38 Undertaking the restoration works will result in localised and limited noise, dust and vibration. This will be minimised through the implementation of the submitted Construction Environmental Management Plan. This can be secured by condition and will comply with Policy CP1. As such there will be no significant or material adverse impacts upon any residential properties within the vicinity in these respects once works are complete. An Ordinary Watercourse Consent will be required from Hampshire County Council since the works will be taking place in a water environment, and information needs to be provided that there will not be a detrimental effect on flood risk.

Flooding

- 11.39 As set out in the accompanying Planning Statement, the Environment Agency floodplain map shows that the site lies within all three Flood Zones. A Flood Risk Assessment (FRA) has been prepared in support of this application to demonstrate how flooding within and outside the site will be affected by the proposed scheme.
- 11.40 The FRA suggests that the works are in line with their overall objective which seeks to reconnect the watercourse with the adjacent floodplain and thus restore the mire habitat through more regularised seasonal flooding. There will be no increase in surface water run off since there will be no increase in impermeable areas.
- 11.41 The information submitted in the FRA sets out that the proposed scheme will result in a reduction of flood risk downstream because of greater connectivity with the floodplain upstream. The restored meanders will store more water than the existing artificial straightened channel. The combination of a longer channel length and increased connection with the floodplain will result in a slower flood response downstream compared to the existing channel.

- 11.42 It is noted that concerns have been raised in representations received regarding impacts upon flooding upstream as a result of the proposals. The applicant has advised that the most upstream works (approximately 400m downstream of the A35 bridge) retain the existing channel and reinstate an overflow channel to provide additional storage. Bank levelling over the length of the scheme will benefit both upstream and downstream receptors, as peak flows will no longer be unnaturally constrained in the channel, but stored in the floodplain. This will prevent the increase of levels upstream as well as reducing levels downstream. Therefore, no significant upstream impact, with regards to flood risk, is anticipated as a result of the proposed works.
- 11.43 The Environment Agency have been consulted as part of the application and have raised no objection and have advised that they are in support of the application.
- 11.44 As such, it is considered that the proposed scheme complies with Policies DP2 and DP4.

Archaeology and Heritage Assets

- 11.45 An Archaeological Desk Based Assessment has been submitted with the application and identifies features which may be affected by the proposed works and which will require protection. An Archaeological Written Scheme of Investigation (WSI) has been submitted, which sets out the proposed mitigation strategy to protect the identified features.
- 11.46 The NPA Archaeologist raises no concern over the proposals provided that works are carried out in accordance with the submitted details. In conclusion it is considered that the proposed scheme is unlikely to have an adverse impact on the archaeological assets within the site, subject to appropriate conditions. The application therefore complies with Policies DP1, CP7 and DP6 in this respect.

Highway Safety and Access

- 11.47 The application is accompanied by a Construction Traffic Management Plan, which sets out the routes construction vehicles will use to travel to and from the site and considers impacts on the local road network. Three materials stockpile locations are proposed, and can be seen on Drawing 0004 Rev 1.
- 11.48 The Highways Authority (Highways England) have raised no objection to the proposals. Correspondence with Hampshire County Council Highways raises no objection to the proposals subject to pre and post construction surveys of the highway, including the Wootton Bridge structure, for which HCC is the Highway Authority. Given that if granted the Construction Traffic Management Plan will form part of the approved documents HCC

Highways consider that this does not require a condition to ensure compliance.

Conclusion

- 11.49 It has been demonstrated that the proposal accords with the relevant legislation and planning policies and that the proposed works are critical to the restoration of the SSSI site and wetlands habitat at Wootton Riverine. The proposal would not lead to direct or indirect adverse effects on the integrity of the SSSI, SAC, SPA, Ramsar sites, protected species or archaeology features and heritage assets due to mitigation measures proposed.
- 11.50 The wider character and setting and the special qualities of the New Forest National Park will be preserved and enhanced and public amenity and access will remain largely unaffected once the works are complete. Access arrangements are acceptable and no adverse impact will occur to highway safety. The application is therefore recommended for approval.

12. RECOMMENDATION

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 Mott MacDonald dated March 2016, 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 The works shall be carried out in accordance with the details as set out in the submitted Construction Traffic Management Plan by Mott MacDonald dated March 2016, unless otherwise agreed in writing by the New Forest National Park Authority. The condition survey of the existing highway network as set out in Section 3.3 of the Construction Traffic Management Plan shall be submitted and approved in writing by the LPA prior to commencement of

development.

Reason: To ensure adequate provision is made in the interest of highway safety and to comply with Policies DP1 and CP19 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 A) All ground works or development will be subject to the submitted Written Scheme of Investigation for Archaeological Mitigation Works (WSI) by Mott MacDonald dated March 2016. 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

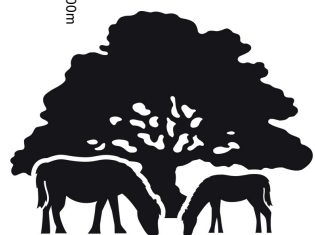
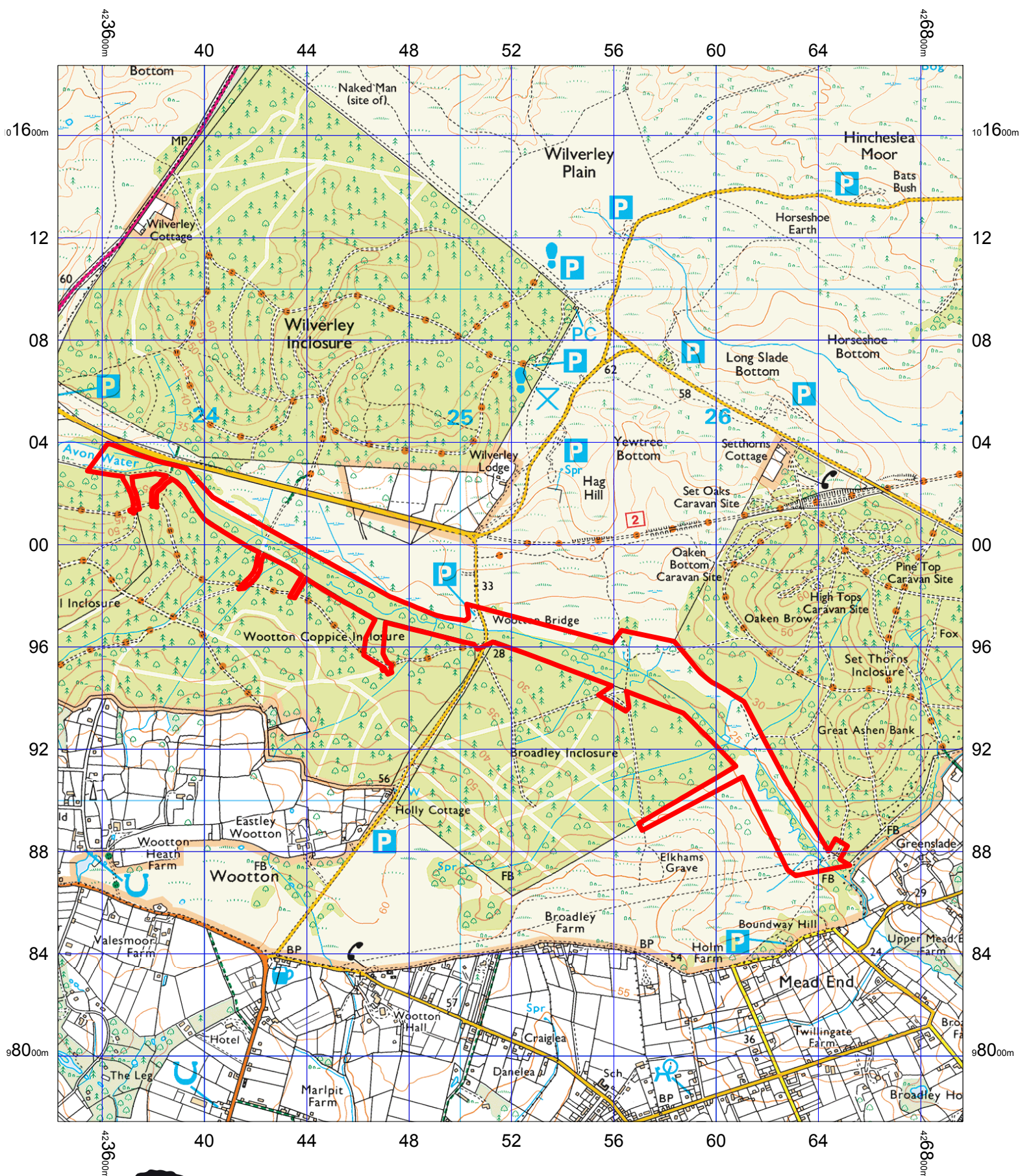
The methodology for publication and dissemination of the analysis and records of the site investigation as provided in the WSI

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).



NEW FOREST
NATIONAL PARK

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