

**Item No:** 7

**Reference:** B/09/00821/DPA

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**Parish:** CHELMONDISTON

**Location:** Foreshore and The Hard, Pin Mill Road

**Proposal:** Re-instatement of barge scrubbing block facility on The Hard and removal of redundant structure.

**Applicant:** Babergh District Council

**Case Officer:** N J Ward

**Date for determination:** 18.09.09

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**This application is referred to the Development Committee as it involves development by the District Council. The Monitoring Officer has reviewed the application file and is satisfied that the application has been processed properly and normally.**

#### **THE SITE**

1. Pin Mill is located on the River Orwell Estuary. The area contains a number of commercial and recreational uses, including private and public moorings, the Butt and Oyster Public House, boatyards and houseboats.
2. The Hard at Pin Mill comprises compacted stone and hard core built up over many years which extends some 215 metres from the slipway at the end of Pin Mill Road to an existing barge support area and mooring posts. A concrete footway adjoining The Hard extends approximately 100 metres further into the river channel. This allows access into the channel at low water.
3. The site lies within the Orwell Estuary Site of Special Scientific Interest (SSSI). The wider Stour-Orwell Estuary is designated a Special Protection Area (SPA) of European importance and a Ramsar Site of international importance. The site is also within an Area of Outstanding Natural Beauty (AONB).

#### **THE PROPOSAL**

4. The application has been submitted for the replacement of the existing barge moorings with a new support structure and mooring posts. Works are also proposed to repair, widen and replace sections of the access way, including the provision of a passing bay, and to raise the level of the existing hard standing where necessary.
5. The planning application has been assessed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended) but not found to have a significant impact. An appropriate ecological assessment has, however, been submitted with the application.

#### **RELEVANT HISTORY**

6. None that is directly relevant.

#### **NATIONAL GUIDANCE**

7. **PPS7** Sustainable Development in Rural Areas

8. **PPS9** Biodiversity and Geological Conservation
9. **PPS23** Planning and Pollution Control

## **PLANNING POLICIES**

10. The Development Plan comprises the east of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are relevant to this proposal:

### **East of England Plan**

- **ENV2** Landscape Conservation
- **ENV3** Biodiversity and Earth Heritage

### **Babergh Local Plan**

- **CR02** AONB Landscape

## **CONSULTATIONS**

11. **PC** - No objection although some concern expressed as to whether sufficient space would exist between the anti scour mat and the barge landing for a person to work beneath a barge.
12. **EA** - Initially objected to the development on the grounds that insufficient information had been submitted to demonstrate how barge cleaning activities would not cause harm to the water environment. This objection has subsequently been overcome following the submission of a method statement. The Environment Agency has no objection on the grounds of flood risk and highlight that consultation should be undertaken with Natural England.
13. **NE** - Initially advised that an Appropriate Assessment was required under the provisions of Regulation 48 of the Habitats Regulations, 1994, but have subsequently confirmed that the work undertaken by the Marine and Fisheries Agency as the competent authority is acceptable to Natural England.
14. **SWT** - No objection subject to the recommendations contained in Section 5.5 of the ecological report being implemented.
15. **Suffolk Coastal DC** - No objection.
16. **Footpaths Officer (SCC)** - No objection but notes Public Footpath No 42 is within the vicinity of the development site although not directly affected by it.
17. **Project Officer, Suffolk Coasts and Heaths AONB** - No objection but comments made in connection with hydrological movements, the use of materials, vehicle movements, lighting and design.
18. **Countryside Officer (BDC)** – No objection: the scheme will assist with the regeneration of Pin Mill which is underpinned by the 20 year vision for the Suffolk Coasts and Heaths AONB.

19. **Environmental Protection Team (BDC)** – Recommends that a planning condition is imposed to control piling operations and the intended hours of construction to minimise the impact of noise and vibration.

## **REPRESENTATIONS**

20. None received.

## **PLANNING CONSIDERATIONS**

21. This application has been submitted for the re-statement of a barge scrubbing facility and associated improvements to The Hard. The proposal would involve driving some 36 steel piles into the estuary mud which would be capped with beams to create a barge support structure and improvements to the surface of the existing access way. The new facility would have an overall height of some 700mm above the level of the existing mud flats in order that use can be made of the tide rather than mechanical lifting methods.
22. The site is located within the Suffolk Coasts and Heaths AONB and as such development should be strictly controlled in line with the provisions of PPS7 and existing Development Plan policies. This proposal is, however, for a replacement facility that has been part of the local environment and economy for some considerable time. As such the development would have a negligible impact upon the character and appearance of the surrounding landscape and no obvious conflict would occur with the provisions policy ENV2 in the East of England Plan or Local Plan policy CR02.
23. In addition to the special landscape designation that is afforded to the area, the site is located within an area that is afforded special protection in ecological terms. Indeed the Stour-Orwell Estuary is designated as a Ramsar Site, SPA, and SSSI. In line with the requirements of the Habitats Regulations, 1994, the development has been subject to an Appropriate Assessment by the Marine and Fisheries Agency who are the competent authority in this instance to carry out such an exercise. In consultation with Natural England they have concluded that the intended works will not have a significant impact upon nature conservation interests. As such the proposal is consistent with the guidance contained with PPS9 and no obvious conflict would occur with the provisions of policy ENV3 in the East of England Plan.
24. The Ecological Report that accompanies the planning application recommends that all works are undertaken during the summer and autumn to prevent disturbance to breeding birds, spring passage migrants or over-wintering flocks for which the estuary is noted. This view is endorsed by the Suffolk Wildlife Trust and is a matter that can be addressed by the imposition of an appropriate planning condition. The Ecological Report also recommends that measures are implemented to reduce the impact of noise upon ecological interests. This view is shared by the Environmental Protection Team but for different reasons. Again this matter and measures to control vibration can be addressed by the imposition of appropriate planning conditions.
25. In order to prevent pollution to the water environment, and to address the comments made by the Environment Agency, a further planning condition would be required to ensure that all vessels are cleaned in accordance with an agreed method statement. While no lighting is proposed in association with the development, and indeed it would be wholly inappropriate given the location of the site, a further planning condition is required to preclude its installation.

26. In conclusion having regard to national guidance, Development Plan policies and other material considerations, the planning application should be approved as submitted.

### **REASONS FOR APPROVAL**

27. The reinstatement of barge scrubbing block facility would be consistent with the guidance contained within PPS7, PPS9 and PPS23 and accord with the provisions of policies ENV2 and ENV3 of the East of England Plan, 2008 and saved policy CR02 in the Babergh Local Plan, 2006. These policies seek to protect areas of high landscape value and nature conservation interests. The proposed development would not, in the opinion of the local planning authority, prejudice the especial qualities of the Suffolk Coasts and Heaths AONB nor would it compromise the ecological value of the Stour-Orwell Estuary which is afforded national and international protection for nature conservation purposes.

### **RECOMMENDATION**

- (1) That planning permission is granted, subject to conditions, including the following:
- Construction period
  - Construction hours
  - Method statement for control of noise and vibration
  - Method statement for pollution control
  - Lighting