
2017/1264

Applicant: Garganey Trust, C/o JBA Consulting

Description: Planning application for wetland and habitat creation schemes comprising of works to two sites as follows:-

Site Addresses:

Site A: Land parallel to Ings Lane and south of Bulling Dyke - creation of new wetland area and associated feature including control structures, bund and diversion of part of Bulling Dyke.

Site B: Land south of Aspen Grove, Fern Close, Celandine Grove, Maytree Close, Mulberry Close and Honeysuckle Close - Creation of new wetland and wet meadow areas and associated features including construction of bunds and drains.

Members will recall that this application was presented to Planning Regulatory Board in September and was deferred to allow a site visit.

This application is brought before Members as Site B is owned by BMBC.

6 letters of objection, 5 letters of support, and 1 letter of comment have been received.

Site Description

The proposal is for two wetland and habitat creation schemes between Wombwell and Darfield. The schemes are separate but located around 250m apart. They are referred to as Wings Across the Ings (WATI) and Doveside.

WATI comprises 9.31ha of open agricultural land located 1.25km east of Wombwell and south of the Bulling Dyke and parallel Ings Lane and a bridleway. To the north are areas of open water within Wombwell Ings nature reserve fed by a series of ditches, whilst a similar area to the south—Broomhill Flash—is managed as a nature reserve by the Garganey Trust. There is no public access to the site; farm access is via a track running from Everrill Gate Lane to the south.

Doveside is situated north of WATI, immediately to the south of Darfield and covers approximately 4.4ha of woodland, scrubland and grassland alongside two ponds and associated wetland margins. The site is bounded by the River Dove to the south and residential development within Darfield to the north. To the west and east are pastoral fields and areas of woodland.

Proposed Development

Both schemes are habitat creation projects designed to enhance biodiversity, particularly for species of declining waterfowl. In addition the scheme would mitigate the impact of past alterations to the river, contributing to improved water quality and locally reducing flood risk.

WATI

The WATI scheme links Broomhill Flash (Garganey Trust) to Wombwell Ings (RSPB), proposed works here are:

- A new wetland to the east of Bulling Dike with reed bed and wet grassland habitats, varying from 0 to 1m deep with water taken from and released back, into Bulling Dyke as necessary;
- Creation of new wet grassland areas in the east of the site with a network of scrapes (shallow depressions) which seasonally hold water, this creates in-field wet features which are attractive to wildlife;
- The construction of control structures and a culvert to direct water to where it is needed to maintain habitat areas;
- Bulling Dike will be diverted and a bund created to prevent flooding of nearby areas including the caravan park, with the redundant section of Bulling Dike retained as wetland habitat and flood storage;
- Creation of reptile refugia and otter holts;

In addition, native meadow seeds mixes will be planted to improve the grassland habitat and the farmland will be let to a tenant farmer with changed farming practices to benefit farmland bird species.

Doveside

The Doveside scheme incorporates an area of land located to the south of Darfield and north of Wombwell Ings. The alterations are primarily habitat creation works:

- Desilting of the existing pond located at to the south west of the site to increase the area of inundation and persistence of standing water in drought periods;
- Construction of a small stop log weir structure within the existing outfall ditch to raise water levels on site;
- Construction of bunds and drains to the western and eastern boundaries to ensure water levels outside the site are not raised.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean increasing weight can be given to the policies contained within the document although, in accordance with paragraph 48 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

Saved UDP Policies

Both the WATI and Doveside sites are allocated in the UDP as being Washlands in the Green Belt Policy GS7 will apply however the washlands policy has not been saved.

The Doveside site is also a Nature Conservation Area and the WATI site is located directly between Wombwell Ings and Broomhill Flash both of which are Nature Conservation Areas. As such Policy GS1, WW10/2 and DA7/5 will apply.

Core Strategy

CSP 1 'Climate Change' we will take action to adapt to climate change by...locating and designing development to reduce the risk of flooding and promoting investment in Green Infrastructure to promote and encourage biodiversity gain.

CSP 4 'Flood Risk' sets out the policy approach to reduce the extent of flooding

CSP 18 'Sites for Gypsies, Travellers and Travelling Showpeople' sets out the strategy for allocating sites for Gypsies, Travellers and Travelling Showpeople specifically referring to sites being identified in areas not at high flood risk.

CSP26 'New Development and Highway Improvement' new development shall be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 'Design' sets out that high quality design shall be expected.

CSP30 'The Historic Environment' development affecting the historic environment will be expected to protect or improve...archaeological remains of local importance.

CSP 33 'Green Infrastructure' sets out the policy to protect, maintain, enhance and create an integrated network of connected and multi-functional Green Infrastructure assets. The River Dearne Valley Corridor and River Dove Valley Corridor are both identified on the Green Infrastructure Diagram.

CSP 34 'Protection of Green Belt' the extent of the Green Belt will be safeguarded and remain unchanged.

CSP35 'Green Space' seeks to improve existing green space and meet the standards in the Green Space Strategy

CSP36 'Biodiversity and Geodiversity' development is expected to conserve and enhance the biodiversity and geological features of the borough.

CSP37 'Landscape Character' Development will be expected to retain and enhance the character and distinctiveness of the individual Landscape Character Area in which it is located.

CSP39 'Contaminated and unstable land' where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by an appropriate assessment.

CSP40 'Pollution Control and Protection' is that the Council shall not allow development of new housing where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that they can be mitigated against.

Local Plan

Both sites are retained as Green Belt (GB1) in the emerging Local Plan and allocated as Functional Floodplain (CC3).

The Doveside site is proposed for allocation as Greenspace where policy G11 and GS1 will apply.

The WATI site is located between Wombwell Ings and Broomhill Flash both of which are Biodiversity Interest Sites where policy G11 and BIO1 will apply.

Policy GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Consultations

Biodiversity Officer - The scheme will deliver significant biodiversity gains, as such no objections subject to a condition requiring the following to be provided to the satisfaction of the LPA at later stages:

- The Construction Method Statement before any works commence;
- The pre-construction badger survey;
- The invasive plants summer survey prior to construction commencing;

Design and Conservation Officer – No objections subject to SYAS being consulted

Contaminated Land - No objections and no conditions required.

Drainage – No objections

EA: No objections subject to the proposed being carried out in accordance with the FRA's submitted which can be the subject of a condition.

Dearne and Dove Drainage Board – No comments received

Highways: No objections in principle subject to controlling construction traffic.

Pollution Control: No objection subject to conditions protecting residents from disturbance during construction.

Public Rights of Way – No objections

South Yorkshire Archaeology Service – No objections subject to conditions

Tree Officer – No objections subject to conditions

Ward Councillors – No comments

Yorkshire Water – No objections

Representations

The application has been advertised through neighbour notification letters, site notices and press adverts. Amended plans have also been subject to a second round of consultation. 6 objectors have raised the following concerns;

- Impact on flood risk as a result of bringing increased water onto the site (Doveside) when it already floods;
- The site will become a bog, unsightly and smelly;
- Residents home insurance will increase because of the increased flood risk;
- Poor public consultation by the applicant prior to submission;

One resident has not objected to the scheme but requested that trees on site, close to existing residential properties, be topped / lopped to protect against debris in high winds;

In addition, 5 letters of support have been received including two from residents.

Following the statutory consultation period a meeting has been held on the Doveside site with the applicant and objectors present. The case officer and Drainage Officer were present at this meeting where concerns about the scheme proposed at Doveside were discussed.

Assessment

Principle of Development

Both of the sites are located in the Green Belt in the saved UDP and emerging Local Plan. In addition, they are shown as flood plain as well being covered by various biodiversity / habitat protection policies.

Core Strategy Policy CSP 34 safeguards the general extent of the Green Belt as shown on the UDP Proposals Map whilst saved UDP policy GS7 restricts development in the Green Belt unless it maintains the openness of and does not conflict with the purposes of including land in the Green Belt.

Saved UDP policies DA7 and WW10 identify key sites (including Doveside, Broomhill Flash and Wombwell Ings) which will be safeguarded from development which could cause disturbance, pollution or other damage. Policy GS1 promotes environmental improvements throughout the borough with Core Strategy Policy CSP 36 seeks to conserve and enhance biodiversity across the borough.

The proposed development includes some engineering works on both sites, albeit these are relatively small in scale and the sites will retain their open character; therefore the proposal does not conflict with Green Belt Policy GS7. In addition, the proposals are specifically designed to enhance biodiversity through the creation of wetland habitat and improved management on the sites; they have received full support from the Council's Biodiversity Officer and as such are considered to comply with UDP policies DA7, WW10 and GS1 as well as Core Strategy Policy CSP 36. On this basis the proposal is acceptable in principle.

Drainage

The WATI scheme, in addition to habitat creation, has been designed to reduce the existing flood risk resulting from Bulling Dike. In 1 in 100 year flood events the River Dove overtops with floodwater transferring into Billing Dike, this in turn overtops and floods several areas along its reach including Darfield Caravan Park. The proposed works include diverting Billing Dike so that the dog leg at the Caravan Park boundary is no longer an active part of the river channel. In addition a bund will be erected along the edge of the new channel, providing additional protection to the caravan park and nearby Waste Water Treatment Works from flood water (from the river). The former channel will be left in place as wetland habitat and additional flood storage (for surface water). These works will improve the flow of Billing Dike and direct any overspill onto the WATI site and wetland habitats of Broomhill and Wombwell Ings.

The proposed works at Doveside have been designed purely to improve the habitat on site, with the works here having a neutral impact on flood risk. The plans and Flood Risk Assessment provided with this application provide details of the proposed and the resultant impact on flood risk. It is proposed to increase the water level on site by 20 to 30cm through the introduction of a drop log weir to the culvert connecting the site to the River Dove. Currently water from the site drains into the River Dove via this culvert and vice versa when water levels are raised in the river. The drop log weir will control water flows on the site, retaining surface water within the site whilst also delaying the influx of water from the River Dove. At times of flood, water will not flow into the site from the river until such time that levels reach the point of overtopping the weir, in effect reducing the amount of water that will influx into the site from the river at times of flooding. In more extreme flood events, water from the river would be able to flow into the site as it is now (once the weir is overtopped) and overall flood risk to properties will remain the same.

Residents adjacent to this site have raised a number of concerns about the proposed increase in water levels and how this will affect flood storage. This is of particular concern as the site currently receives surface water from the residential areas to the north through three drains, with water levels often raised on the site and, in the case of the flooding event in 2007, the whole site flooded close to level with the nearest residential properties. The flood risk assessment provided with the application sets out how the works proposed will not increase flood risk and this has been accepted by the Environment Agency. In addition, following a meeting with residents on site it has been agreed that the Trust, who will manage

the site, will keep an open line of communication with residents who can easily monitor water levels on site and request the weir is opened / reduced in height to allow water to drain into the river as and when appropriate. The details of this will form part of the Management Plan conditioned.

Mitigation to sites adjacent to Doveside is provided through the diversion of existing drain channels which currently run into the site to run along the eastern and western boundaries with associated bunds and new outfalls directly into the River Dove. This will ensure water from these sites discharges directly into the river rather than through the Doveside site, reducing surface water on site and mitigating any leakage from the former landfill to the east.

The works proposed are minimal, particularly in relation to the Doveside site, and will require limited maintenance with the Wildlife Trust taking this role on the Doveside site and Garganey assuming responsibility for the WATI site. Overall flood risk will be reduced (on the WATI scheme) or remain the same (Doveside). The Council's drainage officer has supported the findings of the FRA as has the Environment Agency; therefore the proposed complies with Core Strategy Policy CSP 4 'Flood Risk'.

Trees and Ecology

The proposals are specifically for habitat creation. Therefore, the impact on ecology is beneficial and supported by the Council's Biodiversity Officer.

The WATI scheme includes the creation of reedbeds and wet grassland habitats with water levels across the site controlled through various stop log structures which will allow water to be stored in some areas and fed into others as required. Areas expected to be seasonally inundated with water will be seeded with proprietary mixes of native wet-meadow grass and wildflower species from reputable sources and / or local wetlands, ensuring locally adapted species and speeding up the establishment of a biodiverse ecosystem. The area of the site that remains suitable for agriculture will be let out to tenant farmer with the farming methods tailored towards nature conservation, creating sky-lark plots, field margins and retaining winter stubble. A Preliminary Ecological Assessment has been provided with the planning application, along with a Water Vole Survey. These surveys identify that there will be some minimal impacts on protected species during the construction phase but that these can be mitigated through an appropriate construction method statement prepared for the proposed works and adopted throughout. Overall the impact is expected to be beneficial.

The Doveside scheme similarly improves the biodiversity on site through increasing the extent and depth of water inundation on the site for the purposes of improving the provision of wetland habitat for wildlife. An Ecology Statement, Great Crested Newts (GCN) Survey and Bat Survey have all been provided to support the application, identifying that there is no evidence of GCN and that bats currently only forage on the site. As physical alterations are minimal and the scheme will increase biodiversity through improved habitat, the overall impact will be beneficial.

In the case of both sites some additional survey work will be required and / or care during construction. This will be secured through conditions.

With regards to trees, a tree survey had been provided which notes the key areas where trees will be implicated in the creation of new drains etc. as these operations are likely to have significant impacts on the trees. As per the survey documents tree protection measures and an arboricultural method statement will be required to deal with these issues and ensure the safe retention of as many of the trees as possible. The provision of this protection will be required before any other operations begin on the site as recommended by the tree survey document.

The remaining works although potentially close to the trees involve works such as dredging the existing silted up pond which will have minimal impacts on the small, relatively young planted trees which are present on the site. Ultimately, although some trees will be impacted, the works being undertaken are purely to improve the biodiversity and habitat value of the site and as such any disturbance caused now will benefit the trees through improved management well into the future.

There are therefore no objections from an arboricultural perspective subject to the necessary protection for the trees being provided where required.

Residential Amenity

The main issue raised by objectors relates to flooding which has been addressed earlier in this report. Conditions are recommended to control works during the construction period but once the works are completed, no further impacts on residential amenity are expected.

Archaeology

The development has been delayed as a result of archaeological remains on the site. A Geophysical Survey and onsite intrusive investigations have been carried out identifying archaeological features and deposits which appear to be Romano-British in date and conform to known patterns of brickwork field systems and enclosures that exist in this part of the region. Pottery recovered on the site, is a significant assemblage, given the limited quantity of pottery recovered from other brickwork enclosures in this area and it has the potential to add to the growing picture of Romano-British activity. As a result of these assessments the design of the scheme has been amended (in consultation with SYAS) to ensure that archaeological remains on site are not lost and a Working Scheme of Investigation provided so that any further archaeology is properly documents during the construction phase.

Highways

Public roads will be used during the construction works. Access to WATI will be by Everill Gate Lane. Access to Doveside will be via Mary Lane / Springfield Crescent. Apart from a slight increase in traffic due to construction, disruption is expected to be limited. Once construction is complete the access routes into the sites will be closed with no public access to either site for wildlife conservation purposes. Highways confirmed no objection in principle subject to the submission of confirmation of the types and number of vehicles for construction, as well as tracking, to show access can be safely achieved. This can be conditioned.

Existing Public Rights of Way to the Left Bank of Bulling Dike (Wombwell 10 and 11) will be diverted with a permanent change in levels to both routes as a result of the new bund on the WATI scheme. Public Rights of Way have not objected and applications for the diversions are progressing.

Conclusions

The proposed developments are to create and improve biodiverse habitats in an area of the borough where nature conservation and environmental improvement is supported (UDP policies DA7, WW10 and GS1 as well as Core Strategy Policy CSP 36). Actual engineering works and physical alterations are minimal and the site will remain open in character in accordance with Green Belt policy (UDP GS7). The WATI scheme will create additional flood storage and reduce flood risk to immediate surrounding areas including the Darfield Caravan Park whilst the Doveside scheme has been accepted by the Drainage Officers and

Environment Agency to be flood neutral (i.e. it will not increase or decrease flood risk) complying with Core Strategy Policy CSP 4. Therefore, taking account of the significant biodiversity benefits the proposed is acceptable and recommended for planning approval.

Recommendation

Grant subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved:

Doveside Access Plan (July 2018)
Preliminary Ecological Assessment Survey (July 2018)
WATI Location Plan 2016s3858-WT01
Archaeological Evaluation Report no.3136 (June 2018)
Doveside Flood Risk Assessment (Final Report August 2017)
Doveside: Geo-Environmental Appraisal January 2017
Doveside Wetland Design (September 2017)
Doveside Boundary Plan DS02
2016s3858-WT03-2-Outline G.A (rev 2)
2016s3858-WT04-2-Inset Plan 1 (rev 2)
2016s3858-WT05-2-Inset Plan 2 (rev 2)
2016s3858-WT06-1-Sections 01 (rev 1)
2016s3858-WT07-2-Sections 02 (rev 2)
2016s3858-WT08-1-culverts Under (rev 1)
2016s3858-WT09-Eel Ladder
2016s3858-WT10-1-culvert head walls
2016s3858-WT11-culverts head walls -2
2016s3858-WT12-1-Earth Works Zones
2016s3858-WT16-Stoplog Structure
2016s3858-WT09-Footpath Diversion Plan (Rev V1.0)
Bat Activity Survey Report (Doveside)
Great Crested Newt Survey Report (Doveside June 2017)
Wombwell Wetlands and Doveside Water Vole Surveys (September 2017)
Wati Access Plan (Jult 2018(1))
Wati Boundary Plan (July 2018)
Wombwell Wetlands Ground Investigation (Novermber 2016)
Wings Across the Ings Archaeology and Heritage Statement A1010 (July 2018)
Wombwell Wetlands and Doveside Tree Report (December 2017)
unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

- 3 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.

- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 5 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

The programme and method of site investigation and recording.

The requirement to seek preservation in situ of identified features of importance.

The programme for post-investigation assessment.

The provision to be made for analysis and reporting.

The provision to be made for publication and dissemination of the results.

The provision to be made for deposition of the archive created.

Nomination of a competent person/persons or organisation to undertake the works.

The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

- 6 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey:

- The Construction Method Statement before any works commence;
- The pre-construction badger survey;
- The invasive plants summer survey prior to construction commencing;
- Details of the actual enhancements the applicants are offering.

including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

- 7 Prior to any work commencing, the applicant shall submit to BMBC for their approval a noise and dust management plan detailing how they will control noise and dust during construction. Once approved the applicant shall adhere to the noise and dust management plan at all times.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

8 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

- Tree protective barrier details
- Tree protection plan
- Arboricultural method statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.

9 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To safeguard existing trees, in the interest of visual amenity.

10 Prior to any work commencing the applicant shall submit a construction method statement detailing the routes to be taken, and types of vehicles to be used, during the construction period. The approved statement shall then be adhered to throughout the construction period.

Reason: In the interests of highway safety in accordance with CSP26.

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