



SOUTH PLANNING COMMITTEE - UPDATE SHEET

23 July 2019

Item 5 – DC/19/1022/FUL – Creation of a lake for recreational activities such as raft building and canoeing, including excavation, the re-use of excavated materials onsite, and the re-organisation of consented Activity Structures within the Bawdsey Manor Estate. Bawdsey Manor, Bawdsey Manor Estate, Bawdsey, Woodbridge IP12 3BH for PGL Travel Ltd.

- 8.17. An amended Landscape Strategy (LS) has been submitted that provides confirmation of the works to be undertaken to deliver the discussed landscape enhancements. The LS also outlines the next phase of detailed documents/plans for matters such as the Estate Fencing etc. It offers a commitment to submit for approval of this series of detailed documents prior to the proposed lake being used for any recreation or other purposes by PGL.

Historic England have commented that whilst they have not been able to review the additional information in detail they confirm it:-

“... certainly seems to be a step in the right direction, presenting a clear list of deliverables and timeframes for their progress and implementation. Item xi looks like the catch-all for elements like the Sunken Garden, Italian Garden, Terraces, etc. not specifically mentioned in any of the other actions. Appendix B proposes to deliver all 11 of the strategies and detailed schemes prior to the proposed activities lake being used for any recreation or other uses by PGL. Using this as the basis for a Condition attached to the activities lake application should help to address our concerns”

- 8.30 The applicants have submitted a breeding bird survey, a water vole mitigation strategy and a Shadow HRA to further inform the ecological impacts of the development.

The Council’s ecologist has considered these documents and makes the following comments:-

(i) It is noted that the HRA concludes that there is a Likely Significant Effect pathway between features of the Deben Estuary SPA and Ramsar site and construction and operational noise and visual disturbance. The information provided in the report provides sufficient detail to take these impacts to Appropriate Assessment and conclude that there will not be an Adverse Impact on the Integrity of the designated sites (subject to securing construction mitigation measures). This is concluded based on the scale and

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location of the lake, the timescales for construction and the months of operation proposed. In addition to the embedded mitigation which forms part of the scheme, it is recommended that the Construction and Environmental Management Plan (CEMP) for the development includes a condition which prevents construction taking place during extreme cold weather events. This will limit any residual impacts which may occur when wintering birds are at their most vulnerable.

(ii) The report also identifies the potential for in-combination impacts between the lake construction and the East Anglia Offshore Wind ONE and THREE projects. The consents for these projects include measures to mitigate their impacts on designated sites and it is therefore considered that with controls placed on this development there is unlikely to be an in-combination impact from the identified developments.

(iii) The Ecological Impact Assessment (supported by a number of ecological survey reports, including Habitat Survey; Protected Mammals; Bats; Reptiles; Invertebrates; Breeding Birds and Water Voles), identifies that the location of the proposed lake is currently comprised of habitat consistent with coastal and floodplain grazing marsh. This is a UK Priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006). The assessment also identifies that the habitat is in a degraded condition, however it is possible that there is the potential for its condition to be improved through appropriate management activities and control of water levels if these could be implemented. Although the lake results in the permanent loss of approximately 1.3Ha of flood plain grazing marsh habitat, there is the potential to secure improved habitat management across the estate (including areas of grazing marsh) as part of a Landscape and Ecology Management Plan (LEMP) (referred to as a Biodiversity and Landscape Management Plan in the submitted reports) It also needs to be weighed against other material considerations and the benefits of the scheme.

(iv) With regard to protected and/or UK Priority species, the reports provided appear to adequately assess the impacts on the groups likely to be present on the site (particularly water voles, breeding birds and reptiles). Sufficient mitigation measures are also included as part of the reports.

(v) conditions are recommended securing the following:-

- the provision and approval of a Construction and Environmental Management Plan (CEMP). This should detail all required ecological mitigation measures (including for protected species and species for which nearby sites are designated). It should also include a Materials Management Plan in relation to spoil transport and disposal/spreading. Works must be undertaken in accordance with the agreed CEMP.
- the provision and approval of a Landscape and Ecology Management Plan (LEMP). This should include details of the long term habitat management measures to be implemented both on the lake and spoil disposal/spreading area, and across the wider estate. These measures should seek to maintain and enhance the biodiversity value of the whole estate in the long term. Management of the estate should be in accordance with the agreed plan.

8.31 Natural England and SWT have been re-consulted on the additional information and subject to no outstanding objections from them, it is considered, subject to the measures suggested by the Council's ecologist, that the proposals will seek to comply with Local Plan policies SP14 and DM27 as well as emerging policies SCLP10.1 and SCLP10.2.

- 8.35 To try and address the concerns of the Environmental Protection Team the applicant has provided operational noise survey measurements at a raft building session in April this year and from canoeing activities at another site where the characteristic were similar to this proposal, to try and quantify the noise impacts, (having regard to BS 8233:2014; WHO guidelines and Sport England advice). They have based their assessment on predicated LAmax sound levels at nearest noise sensitive receptors from the proposed use of the lake and compared it to baseline LAmax sound levels in 2017 (pre-children) for these receptors and conclude they are broadly the same so no impact. To address potential noise impacts on residents from raft building, activity stations furthest from residential properties have been identified solely for this purpose.

Head of Environmental Health confirm if working on a purely objective noise level basis the applicants results appears quite true until you add the subjective factors into the consideration of potential impact. Regard has to be given to the nature of the noise, which in the case of the predicated LA max is coaches shouting, groups shouting and singing, kicking of barrels, whistles blown. These noise types did not exist in 2017 when maximum noise levels were likely to have been traffic, boat noise, farming activity, wildlife. It is therefore considered basing noise impacts on purely objective assessment is inappropriate, although it is accepted subjective assessment is difficult to quantify.

Statutory nuisance is determined by subjective assessment of the noise taking into account such factors as the nature of the noise, the nature of the area, the frequency, duration and volume of the noise as well as the actual material impact of that noise on residents. Based on the level of activity proposed on the lake on a daily basis (with no "days off") for the entirety of the summer, when residents are most likely to use their gardens and have windows open, will have the potential to have a negative material impact on residents use of their property, whether this would be a matter of statutory nuisance is difficult to say.

It is noted no complaints have been received by Environmental Services this year and complaints received last year were not substantiated by officers. The site management has been receptive to suggestions where issues have been identified and currently no evidence to suggest site in its current form is being managed poorly and causing levels of noise beyond which would be expected for its lawful C2 use.

- 8.42 Whilst acknowledging the potential concerns of Environmental Services, it is considered, on balance, that with appropriate conditions, controlling hours of use (daytime only), no use of the lake out of the operating season, restrictions on numbers using the lake, the implementation of the Noise Management Plan (NMP), (submitted as part of the proposals and which sets out a series of practices staff will use to minimize noise disturbance to residents), the applicants management of noise issues to date, and a condition restricting the use of megaphones, sirens of any kind and any electronic speakers or PA system etc., that the proposal would not be contrary to adopted and emerging policy in terms of residential amenity. The NMP includes identifying Noise Sensitive Zones close to residential properties where further restrictions on certain activities are prohibited (e.g. singing) and includes a complaints procedure. Whilst acknowledging that during the summer residents will be using their garden more it is also noted that the area around Bawdsey Quay and beach attracts many visitors and the

use of the River Deben for various sailing activities is also popular during the summer months, and thus be part of the noise environment.

- 4.13 Three further letters have been received from one objector re-iterating concerns previously made regarding the need for a viability assessment and adverse landscape/ecological impacts. The new noise analysis is flawed and misleading focusing on highest sounds. Ridiculous to say screaming and shouting at 70-80 dBs from some 50-80m away will be reduced to 40-45dBs by the time it reaches residential properties. This is not the case for the abseil tower. Head of Environmental Health will be unable to say with any certainty that the lake will not cause noise nuisance or that any noise disruption can be controlled by the Noise Management Plan.

Revised Recommendation

AUTHORITY TO APPROVE subject to the consideration by the Head of Planning of any comments by Natural England and SWT on the additional ecological reports, clarification from Historic England on the wording of the condition to secure the landscape improvements identified in the revised Landscape Strategy and subject to controlling conditions included in the report as amended below:-

Condition 3: to be amended to include that the number of participants on the lake at any one time will be reduced to 60 on Saturdays and 50 on Sundays.

Condition 4: The use of the lake shall cease at 5.30 rather than 5pm to enable clearing away following the end of a session. It shall also make reference to removal of all equipment from the edge of the lake during the 3 months it is not in use.

Condition 9: to be expanded to include the conditions recommended by the Council's ecologist (detailed above)

An additional condition be added to restrict the use of any form of loud speakers, megaphones, sirens or any other equipment providing amplified sound at the lake.

An additional condition requiring the implementation of the submitted Noise Management Plan and its annual review be submitted to the Council.