

**7 DCSE2008/0207/F - REPLACEMENT OF EXISTING ROCK GROYNES AND OTHER IN-RIVER RESTORATION WORKS TO IMPROVE RAPIDS AND HABITATS IN THE RIVER WYE AT SYMONDS YAT. SYMONDS YAT RAPIDS, SYMONDS YAT (ON THE RIVER WYE), NEAR MONMOUTH. OS GRID REFERENCE SO 561156**

**For: British Canoe Union per S & P Architects,  
St James's Building, 79 Oxford Street, Manchester,  
M1 6FQ**

**Date Received: 29 January 2008      Ward: Kerne Bridge      Grid Ref: 55990, 15574**

**Expiry Date: 25 March 2008**

Local Member: Councillor JG Jarvis

**1. Site Description and Proposal**

- 1.1 The site is an island and rapids on the River Wye immediately south of Symonds Yat East. The county boundary with Gloucestershire runs just beyond the eastern riverbank and the site lies within both the parishes of Goodrich and Whitchurch.
- 1.2 The proposal is to replace temporary 'groynes' hand-built from available materials pulled from the riverbank. Permanent limestone groynes would be installed to a designed engineering standard, to enhance and conserve the rapids, stabilise the island and reduce erosion.
- 1.3 The application was advertised in the Hereford Times on 7 February 2008. A site notice was put up on 7 February 2008. 40 neighbouring properties were notified, along with two known holders of local fishing licences and the Forestry Commission as adjoining landowner.

**2. Policies**

**2.1 Central Government Guidance**

Planning Policy Statement 9 (PPS9) – Biodiversity and Geological Conservation  
 Planning Policy Guidance 16 (PPG16) – Archaeology and Planning  
 Planning Policy Statement 25 (PPS25) – Development and Flood Risk

**2.2 Herefordshire Unitary Development Plan 2007**

Policy S1 - Sustainable Development  
 Policy S2 - Development Requirements  
 Policy S6 - Transport  
 Policy S7 - Natural and Historic Heritage  
 Policy S8 - Recreation, Sport and Tourism  
 Policy DR1 - Design

Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR7	-	Flood risk
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy LA1	-	AONB
Policy NC1	-	Biodiversity and Development
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy ARCH5	-	Sites of Regional or Local Importance
Policy ARCH6	-	Recording of Archaeological Remains
Policy RST2	-	Recreation, Sport and Tourism Development within AONB
Policy RST8	-	Waterway Corridors and Open Water Areas

### 2.3 Material Considerations

Wildlife and Countryside Act 1981 (as amended)  
 Environment Act 1990;  
 The Conservation (Natural Habitats &C) Regulations 1994 (the Habitats Regs);  
 The Countryside and Rights of Way Act 2000 (the CROW Act);  
 Natural Environments and Rural Communities Act 2006 (the NERC Act);  
 Commons Act 2006.

### 3. Planning History

- 3.1 There are no relevant planning applications or permissions recorded on or adjoining the site.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: Has no objections. Two response letters were received; comments and recommendations are as follows:
- On navigation: support in principle under EA duty to promote water-related sport/recreation on the River Wye whilst protecting its unique conservation status.
  - On flood risk: the Agency considers the proposal would be 'water compatible' under PPS25. The submitted Flood Risk Assessment is acceptable. The predicted potential increase in flood levels of 10mm in the 1 in 100 year plus 20% analysis is nominal and would not create any significant additional risk.
  - On flood defence: the applicant has applied for consent under the Land Drainage Act. This will be determined in due course.
  - On biodiversity: under the Habitats Regs the local authority as a 'Competent Authority' should undertake an Appropriate Assessment (AA) of the proposals.
  - On Japanese Knotweed: the applicant's offer to control this and other invasive plants is supported, recommending a condition to secure the remediation.

- On fisheries: a condition is recommended restricting works to between 1st July and 15th October, to protect fish spawning and migration. The applicants' conclusion that potential increases in flows would not adversely affect fish is acceptable.
- 4.2 Natural England: Is content that the works would not have a significant detrimental effect on habitats. No objection raised, subject to the Appropriate Assessment noted above. Following direct enquiries from members of the public, a second response letter re-confirms the above, stressing the need for minimal disturbance in the river. This point will be discussed in more detail in section 6.4.3 below.
- 4.3 Sport England: Support.
- 4.4 English Heritage: No objections.

#### Non-statutory Consultations

- 4.5 AONB Officer: No objection in principle; habitat improvements are welcomed. Some reservations about access to the river; the land should be restored to its original condition on completion of the works.
- 4.6 Open Spaces Society: No objection, the disruption to the footpath would be for a very limited time. Note that the island is registered as Common Land.
- 4.7 Ramblers Association: Any response subsequently received will be reported orally.
- 4.8 Forest of Dean District Council: Any response subsequently received will be reported orally.
- 4.9 Gloucestershire County Council: Any response subsequently received will be reported orally.
- 4.10 Forestry Commission: Any response subsequently received will be reported orally.

#### Internal Council Advice

- 4.11 County Archaeologist: The site comprises the historic remains of a weir and iron-working complex. No over-riding objections however, provided conditions are imposed to secure site investigations and details of groundworks. The works could help to conserve the remains from further erosion.
- 4.12 Conservation Manager comments as follows:
- Following close discussion with Natural England and the Environment Agency, the Planning Ecologist is satisfied with the mitigation proposals and welcomes the offer to remove Japanese Knotweed. Has no objection and recommends conditions to secure the ecological mitigation measures.
- 4.13 Rights of Way Manager has no objections, noting that a footpath diversion would only be needed for a very limited period. Recommends a method statement to confirm reinstatement of surfaces to the same or better standard and public safety precautions. This would be required by a pre-commencement condition.

- 4.14 Parks, Countryside and Leisure Development Manager supports the application; it accords with local, regional and national sports facilities plans.
- 4.15 County Land Agent: The island is a Registered Common. The applicants would need to comply with the Commons Act 2006.
- 4.16 Transport Manager has no objection; the haul route is entirely within Forestry Commission land in Gloucestershire.

## 5. Representations

- 5.1 Goodrich Parish Council has no objections.
- 5.2 Whitchurch Parish Council: Any response received will be reported orally.
- 5.3 Letters of representation have been received from: Mr R Owen, 1 Church Hill Close, English Bicknor, Glos; Mr M Ferrigan, Chough House, Symonds Yat West; Mrs C Blows, Woodlands, Ferry Lane, Symonds yat West; Mr J Blows, Woodlands, Ferry Lane, Symonds Yat and enclosing a list of 17 signatures from objectors some of whom have also written in individually; Peter and Rosie Kelsall, Bankside, Symonds Yat West; J T Simpson on behalf of Chepstow Boat Club, Whitelye, Chepstow; Frank Barton, The Workshop, Rotherwas Industrial Estate, Hereford; Denis Parkhill, Fern Cottage, Shelwick, Hereford; John Edwards, The Barge House, Goodrich; Neil and Diane Bentley, Melrose, Symonds Yat; Mr & Mrs P Adams, Alpine Cottage, Symonds Yat West. The points they raise can be summarised as follows:

- Permanent barriers within the main channel will increase flood risk upstream. I question the accuracy of the consultant's report.
- There are over 20 properties, mostly in Symonds Yat West, that have actually flooded in the last 10 years including many having septic tank soakaways.
- Any increase in river levels is considered to be threatening and may impact on the environment and community.
- Permanent barriers would entrap debris and increase flood risk.
- The navigable width of the river would be reduced by at least 50%.
- Permanent groynes could be a hazard to shipping.
- Obstacles likely to damage craft or hinder navigation would not be lawful.
- Additional canoeists attracted by the enhanced facilities would exacerbate unauthorised parking problems and traffic and create overcrowding. We are already at saturation point for a good part of the year and disturbed by noise.
- Increased canoeing activity would harm the SSSI/SAC/AONB.
- A river situation to suit the canoeists would be detrimental to other users.
- The rapids would be enhanced to 'entry level white water'. Public safety for novice paddlers and other users should be addressed.
- Bank erosion caused by canoeists accessing the river is a serious problem.
- The site is of great industrial archaeological importance.
- I am concerned that the use of the island by otters has not been fully assessed.
- Freshwater mussel shells are 'frequently found' below the rapids

- 5.4 Three letters of support have been received from:

Dr M Block, 27 Gilbert Road, Cambridge considers that the proposal would improve stability of the island and safety for river users;  
Chris Cleaver, 39 Cavendish Road, Stockport notes the need for robust groynes to improve the river's interest;

Mr M Tyers, Upton Bishop, comments on recent deterioration of the island and temporary groynes, and the ad-hoc spreading of river bank material across the channel.

The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

6.1 Preliminary discussions began in early 2006. Since then the applicants have obtained substantial grant-aid for the site purchase, survey work and project. Office-based meetings established planning requirements at an early stage, including environmental considerations. The advice given has been willingly heeded.

6.2 In terms of actual development the proposal is minor, but the sensitivity of the River Wye is a key issue, which the applicants take very seriously. In particular, the site's national and European conservation importance (SSSI/SAC), its location in the AONB, and the attraction of Symonds Yat as a tourist destination with established leisure facilities including a new cycle path, require careful consideration. The applicants' responsibilities regarding Common Land are however outside the planning system.

6.3 For clarity, and in response to comments from members of the public on correct procedure, the proposal to create permanent stone groynes in the river and a stone tip to the island would be an engineering operation requiring planning permission. Ancillary works on the island involving coppicing, planting and restoration, are not development, although details have been provided for information. The proposal falls far below the threshold criteria of the Environmental Impact Assessment Regulations 1999. The issue of informal access to the river from the West bank has been raised by correspondents, however this is not material to the application under consideration and, unless formal engineering works were proposed, would be a matter for the landowner rather than the planning system.

6.4 In planning terms the key issues to be addressed are:

- Sport and Recreation;
- Visual impact;
- Ecology;
- Flood risk issues;
- Archaeology;
- Potential effects on amenity;
- Public Rights of Way;
- Restoration on completion;
- Transport and movement.

### **6.4.1 Sport and recreation**

According to the applicants, the Symonds Yat rapids are 'regionally important' to canoeists and other users. The island's profile and position changes due to constant erosion, but its presence narrows the river channel and creates the attractive rapids. Each summer, individuals create informal groynes using material ripped from the riverbank to enhance the rapids. This unplanned activity undermines the bank, causes erosion and may harm the special biodiversity interest of the river. The

temporary groynes are partially washed away each winter but the material is simply deposited on the riverbed nearby, which is therefore gradually rising.

The applicants have argued that purpose-built permanent groynes based on sound engineering research would reduce damage and flood risk, as well as improving conditions for canoeists and enhancing scarce habitats. They propose importing large limestone blocks and re-using the displaced groyne material from the channel. A stone 'nose' or cutwater on the upstream end of the island would help to deflect debris from damaging the island. There is no reason to question these arguments and in principle the proposal would comply with policies S1, S2, S7, S8, RST2 and RST8.

The matter of possible over-use is discussed further in section 6.4.7 below, but the applicants have confirmed verbally that there is no intention to actively encourage intensified use. Sport England is 'happy to support this application'.

#### 6.4.2 Visual impact

Visual impact would be negligible since the landscape would be unchanged. All disturbed ground would be restored to its previous form and condition. There would be no conflict with policy LA1 since the AONB would not be adversely affected and there would be potential biodiversity gains.

#### 6.4.3 Ecology

The application includes a detailed ecological assessment dated December 2007 compiled by the applicants in consultation with the Environment Agency and Natural England, comprising a desk study and field survey. It assesses the importance of habitats close to the application site and the likely presence of European protected species including flora, mammals, invertebrates, fish and birds.

The report concludes that protected species are or are likely to be present in and around the river. The timing of the works would be critical to ensure minimal disruption during operations. A member of the public has drawn attention to the possible presence of freshwater pearl mussels in this part of the Wye. The consultant ecologist has confirmed to Natural England that all the species significant to both SSSI and SAC were considered. Invertebrates were searched for but no mussels of any species were found, although suitable habitats were identified. The works, if permitted, would include fresh surveys immediately prior to work starting, measures to prevent silt release, and the in-river presence of a licensed person, probably Environment Agency personnel. Acute scarcity means any mussels found would be removed to the Environment Agency's dedicated hatchery. Similar precautions would be necessary for white-clawed crayfish; any found would need to be moved to safety for the duration of the works, to be undertaken between 1<sup>st</sup> July and 15<sup>th</sup> October in order to protect spawning fish.

Provided the works would be undertaken at the correct time of year, impacts on biodiversity would be minimal and short-term. Actual in-river works are estimated to take about 2 weeks. With preparatory and restoration works, the total working time would be about 8 weeks. According to the applicants (and confirmed by the Environment Agency), the completed works would be likely to concentrate flows and increase the amount of clean substrate on the downstream side of the groynes and downstream of the rapids themselves. In the longer term therefore, aquatic habitats should be improved, including provision for migrating and spawning fish, with the

added advantage that there would no longer be the annual disruption and silt disturbance caused by regular temporary groyne creation. This would benefit any freshwater mussels that might subsequently be present. The applicants have expressed a commitment to protect and restore all existing habitats, including re-siting the upturned pontoon recently marooned on the island (or suitable alternative) which showed evidence of otters using it for resting. Mitigation and surveys could be secured by conditions to ensure compliance with policies S7, NC1, NC2, NC3 and NC5.

The Council's Planning Ecologist, in close and frequent consultation with biodiversity officers at both Natural England and the Environment Agency, has concluded that provided the agreed mitigation would be strictly adhered to, there would be no significant effects on the River Wye SSSI/SAC. This has been confirmed in the Appropriate Assessment. Subject to appropriate conditions requiring minimal disturbance to the riverbank and riverbed, and to secure the already proposed precautionary surveys and mitigation, no objections are raised.

#### 6.4.4 Flood risk

The application includes a detailed engineering report and Flood Risk Assessment (FRA). There are currently no flood alleviation measures in place on this stretch of the Wye. At the Environment Agency's request, the engineering consultants undertook a hydraulic assessment, considering eight alternative 'scenarios' to find the optimum configuration of groyne numbers, heights and positions. Scenario 5 offered least disruption but could slightly increase flood risk upstream since the existing artificially raised river-bed would remain in situ. Scenario 8 offered the least flood risk, but would involve some river-bed disruption.

Following consultation with the Environment Agency an amended scenario 8 was chosen, with the removal of one groyne, and minor hand-worked clearance of the accumulated debris from the old temporary groynes. Cleared material would be incorporated into the new works and therefore would not be removed from the river. This would ensure a deepened channel and maintain navigability. Works on the island would include maintenance of existing excess flow channels and the proposed stone 'nose' to deflect flotsam.

The report concludes that this scenario would have a negligible flood risk effect, taking into account the modelled standard of flood protection at the 12 most vulnerable properties nearby. The Environment Agency's second detailed response dated 18<sup>th</sup> March 2008 confirms their position of 'no objection', accepting the submitted reports and assessments and pointing out that the consultants are '*a company of world renown in the field of hydraulic analysis*'. There is therefore no reason to doubt the accuracy of the report. In the Agency's view, the potential increase in flood levels of up to 10 mm would not even be measurable during flood events, due to the Wye's characteristic turbulence. On the possibility of local septic tanks being flooded, the Agency comments that these drainage facilities are already at a risk level which would not be significantly increased.

The Agency's letter stresses that there is no objection to either the planning application or the separate Flood Defence Consent application, pointing out:

- a) at least 4 metres of water would flow over the groynes during flood, which have been designed to deflect water and discourage debris from accumulating;

- b/c) the Flood Defence Consent nevertheless requires the groynes to be kept free of any debris, which must be removed at the written request of the Agency;
- d) a large obstruction (e.g. a caravan) would very likely dislodge the upper stones of the groynes, which would be held in place by gravity. In the Agency's view, there would be no significant risk of additional flooding.

Since the Agency would be the regulatory body for the Flood Defence Consent, duplication of these requirements by the planning system would be unnecessary, and the proposal does not therefore conflict with policies S1, S2 or DR7.

#### 6.4.5 Archaeology

The application includes a desk based archaeological assessment dated January 2008. It studied the man-made island, weirs, locks and the foundry known as the New Weir Ironworks, dating from the 13<sup>th</sup> to the 19<sup>th</sup> centuries. Use ceased in 1798 and by 1826 the weir and lock had been demolished. The island and rapids formed from the structural remains and furnace slag after the final closure of the foundry. The assessment proposes a watching brief and the Archaeological Advisor has not objected, commenting that reducing erosion could help preserve the remains, provided appropriate precautions are taken during the actual works, with particular attention to the site of the lock and weir. Conditions are recommended for further investigation and a method statement. This would ensure compliance with policies ARCH1 and ARCH5. English Heritage were consulted but have not raised any objections.

#### 6.4.6 Possible effects on amenity

Some residents have expressed a fear that enhancing the rapids would attract additional visitors. The applicants have confirmed that to their knowledge there is no intention to intensify any activities, such as through organised canoeing events. Symonds Yat is already a popular destination offering freely accessible outdoor pursuits open to anyone. These activities are not limited to canoeing and are not controlled by any particular organisation. Symonds Yat's restricted capacity is self-restricting and visitor numbers, unruly behaviour or unauthorised parking, are not within the control of the applicants or the scope of this application.

Correspondents have claimed that the navigation channel would be reduced. However, according to the applicants, pulling back the loose material spread from the temporary groynes would deepen the channel, and the permanent groynes would not protrude further than the existing arrangements. Navigation falls within legislation other than planning; as a 'main river' it comes under the Environment Agency's jurisdiction in consultation with the Wye Navigation Advisory Board. No objection has been made by the Agency on this or other matters, and it must be assumed that they are taking a responsibly competent and professional approach. They have commented that the channel between groynes would remain at 10 metres minimum and they are satisfied that the proposed work would not result in further restrictions.

The island is in the applicants' ownership but registered as Common Land, although without recognised public access. This does not affect the proposal from a planning point of view although the owners would need to follow appropriate procedures. In the County Land Agent's view the proposals are in the public interest and would be beneficial. Holders of the two known fishing licences on this stretch have been notified of the proposal but have not raised any concerns.



#### 6.4.7 Public Rights of Way

The Wye Valley Walk and Peregrine Path cycleway coincide on the old railway bed, and FP GR38 runs parallel to it a few metres away, becoming REB38 as it crosses into Gloucestershire. A proposed temporary diversion of the cycle path would use a convenient loop of GR38/REB38, and the applicants are liaising with both Herefordshire and Gloucestershire councils to ensure all the correct permits are in place. The crossing point would be manned by a banksman at all operational times, with appropriate fencing and safety signage. The Herefordshire PROW Manager has requested a Method Statement giving details of these measures, but has not raised any objection and the project would not conflict with policies DR3, T6 and T7 Gloucestershire County Council have been consulted but have not commented.

#### 6.4.8 Restoration on completion

Initially, the proposal included the permanent retention of the works access to the river. Concerns raised by some consultees, in particular the AONB officer and Rights of Way Manager, highlighted possible visual impact and potential user conflict. Negotiations with the applicants have resulted in this aspect being withdrawn. A fresh plan now indicates that the riverbank would be fully restored, made good and replanted on completion of the works, should permission be granted. A condition could secure this.

The proposal includes full reinstatement of all path surfaces to a similar or better condition, using the same materials. To ensure success the applicants are liaising with Sustrans on the new cycleway, and the Councils' rights of way officers.

#### 6.4.9 Transport and movement

All plant, materials and equipment would be brought to the site via private Forestry Commission roads to the south. The entire route would be outside Herefordshire, and no construction vehicles would pass through Symonds Yat village. Materials and equipment would remain on site throughout; therefore there would be very little impact on the highway network. The small operational workforce (approximately 5 persons) would access the site daily from the north, parking at the Royal Hotel adjacent to the site. The Transport Manager has not raised any objections and there would be no conflict with policies DR3 or T8

### **7. Conclusion**

7.1 The proposal would not conflict with any national, regional or local policies, however the fears and concerns of local residents are taken seriously. The applicants have investigated the points raised in detail, to ensure that there would be no adverse environmental effect. They arranged a public meeting in mid February 2008, to explain the details of the project and allow people to express their views. The two parish councils concerned have not raised any objections or other comments. Some of the issues raised are covered by other legislation, and although relevant to the wider consideration of the proposal, it would not be appropriate to control them through planning. In particular, navigation of the Wye is governed by the Environment Agency, who would also need to grant a Flood Defence Licence for the work to proceed.

7.2 On flood risk, the applicants have studied a number of alternative configurations on Environment Agency advice, who have accepted that the chosen proposal would

have a minimal, or even unmeasurable, impact upstream. Considerable attention has been focussed on all of the points raised, but the Agency remains satisfied that the proposal would not increase flood risk.

- 7.3 Extensive work has been undertaken with regard to biodiversity and the special sensitivity of the River Wye. The applicants have consulted closely with the Environment Agency and Natural England to find the least intrusive methodology and the optimum acceptability in terms of limiting disruption to wildlife and enhancing habitats for the future. Both agencies have expressed satisfaction with the submitted schemes provided these are secured by condition. The likelihood of any freshwater pearl mussels being present is small, but the applicants are nevertheless prepared to undertake all necessary precautions.
- 7.4 Long-term, removing the need for temporary annual groynes and providing a more stable environment, in terms of both riverbank and bed, would be favourable for both biodiversity and industrial archaeology. The alternative of continued erosion through the unplanned creation of ad-hoc groynes is undesirable, and likely to cause environmental harm including the gradual raising of the riverbed and channel. All of the concerns raised have either been addressed or mitigation proposed and there are no overriding factors that would warrant refusal. The proposal is therefore recommended for approval.

## RECOMMENDATION

That planning permission be granted subject to the following conditions:

### Commencement of works

- 1 A01 (Time limit for commencement (full permission))

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

### Approved plans

- 2 B01 (Development in accordance with the approved plans)

**Reason: To ensure adherence to the approved plans and details in the interests of a satisfactory form of development and to comply with policy DR1 of the Herefordshire Unitary Development Plan 2007.**

### Working Method Statement

- 3 No development shall take place until a working method statement for the project has been submitted to and approved in writing by the local planning authority. The statement shall include in particular:
- i) Details of the type, source and estimated quantity of stone to be used;
  - ii) A plan showing the indicative locations for stockpiles of stone and parking of construction vehicles plant and equipment;
  - iii) Details of, arrangements for the public rights of way, including fencing, signage, and the use of a banksman for the crossing point;

- iv) Details of all preparatory work necessary, including vegetation trimming the ground preparation, excavations, working area and stone movements;
- v) Indicative provision for a watching brief to identify, record and protect archaeological remains;
- vi) Details, and a large scale plan, of the design, construction method and materials to be used for the proposed access ramp on the riverbank and the haul route at the river's edge;
- vii) Full methodology for the in-river working, groyne construction and all other works;
- viii) Measures to prevent pollution to ground and surface waters;
- ix) Health and safety details and precautions including emergency strategy;
- x) Mitigation proposals for the minimal disturbance of silt during the in-river works, including a risk assessment of alternative measures.
- xi) A scheme for the treatment and control of Japanese knotweed.
- xii) Timescales for all the above.

The works shall be undertaken in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure a satisfactory form of development in accordance with agreed principles, to ensure public safety during the operations, to ensure a design solution is sought to minimise archaeological disturbance, and to protect the amenity of the area in accordance with policies S1, S2, DR1, ARCH5, ARCH6, NC2 & NC3 and LA1 of the Herefordshire Unitary Development Plan 2007.

#### Restoration Scheme

- 4 No development shall take place until a reinstatement and restoration scheme for the completion of the project has been submitted to and approved in writing by the local planning authority. In particular the scheme shall include:
- i) A large-scale plan showing details of the removal of the in-river haul route and temporary river access ramp as shown on plan reference 04-1106-200 rev 4 dated September 2007 and date stamped 13 Mar 2008,
  - ii) Details of the reinstatement of the riverbank on completion of the works, and final restoration including any re-planting or re-seeding areas including the earth bank at the crossing point;
  - iii) Specifications for the resurfacing and restoration of the definitive footpath and cycleway route/s;
  - iv) Removal of temporary fencing, signage etc and making good;
  - v) Indicative details of ancillary remedial works on the island.
  - vi) Timescales for all the above.

The works shall be undertaken in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure the site is restored in accordance with agreed principles and to protect the amenity of the area in accordance with policies S1, S2, DR1 and LA1 of the Herefordshire Unitary Development Plan 2007.

**Protected species**

- 5 Prior to the commencement of any works, schemes for surveying and protecting the following species and their habitats shall be submitted to and approved in writing by the local planning authority:

- i) White clawed crayfish
- ii) Freshwater pearl mussel
- iii) Bats (all species)
- iv) Otter
- v) Dormouse

The scheme shall include a Method Statement and give details of any protection, mitigation and translocation measures as appropriate, which shall be thereafter implemented in accordance with the approved schemes, unless otherwise agreed in writing in advance by the local planning authority in consultation with Natural England and the Environment Agency.

Reason: To ensure the protection of White clawed crayfish, Freshwater pearl mussels, Bats and other species in accordance with policies S1, S7, NC1, NC2, NC3, NC5 and NC6 of the Herefordshire Unitary Development Plan 2007.

**Archaeology**

- 6 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of policies ARCH1 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

**In-river working**

- 7 Any in-channel works shall only be carried out during the period between 1st July and 15th October in any year and at no other time, unless otherwise agreed in writing in advance by the local planning authority in consultation with the Environment Agency.

Reason: To prevent adverse impact on protected species and to comply with policies S7, NC1, NC5 and NC6 of the Herefordshire Unitary Development Plan 2007.

**Western channel**

- 8 No working or disturbance shall take place in the channel to the west of the island or the western riverbank unless agreed in writing in advance by the local planning authority in consultation with the Environment Agency and Natural England.

Reason: To prevent adverse impact on protected species and to comply with policies S7, NC1, NC5 and NC6 of the Herefordshire Unitary Development Plan 2007.

**Operating hours****9 F01 (Restriction on hours of working)**

While the in-river works are actually in progress, the hours during which working may take place shall be restricted to 0700-1900 on any day. At all other times including preparatory and restoration work until the project is complete, unless otherwise agreed in writing in advance the hours during which working may take place shall be restricted to 0800 to 1800 hours Mondays to Fridays, 0800 to 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies NC5 and DR2 of the Herefordshire Unitary Development Plan 2007, whilst enabling the in-river works to be completed as quickly as possible utilising available daylight.

**Biodiversity protection****10 The recommendations set out in the submitted Ecological Assessment date-stamped 23 Jan 2008 shall be followed unless otherwise stipulated by conditions attached to this permission or as agreed in writing in advance by the local planning authority. An appropriately qualified and experienced Ecological Clerk or Works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure the adequate protection of important species, habitats and designated sites and to comply with the requirements of policies S7, NC1, NC5, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

**Protection of trees****11 G02 (Retention of trees and hedgerows)**

Reason: To safeguard the amenity of the area and to ensure the development conforms with policy DR1 of the Herefordshire Unitary Development Plan 2007.

**No burning****12 I43 (No burning of material/substances)**

Reason: To safeguard amenity and biodiversity, prevent pollution, and to comply with policy DR4 of the Herefordshire Unitary Development Plan 2007.

**Vehicle parking and materials storage****13 No plant, machinery, equipment or materials shall be parked or stored other than in the designated location/s approved under condition 3 of this permission unless otherwise agreed in writing in advance by the local planning authority.**

Reason: In order to protect the amenity of the area and to comply with policies DR1, T6 and T8 of the Herefordshire Unitary Development Plan 2007.

**INFORMATIVES:**

- 1 Aquatic invertebrates, in particular Riffle beetles and mussels, should be protected from disturbance; fine gravels and material such as rotting bark and exposed tree roots should be retained as important habitat.
- 2 Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause the growth of Japanese knotweed in the wild. Chemical control of Japanese knotweed should be undertaken once per year only, during August/September. No cutting of the plant should be carried out. 2,4-D Amine is not approved for use near water.
- 3 Himalayan balsam should be controlled by manually uprooting the plant prior to the production of seeds, and the plants appropriately disposed of away from the riverbank.
- 4 The Conservation (Natural Habitats &C) Regulations 1994 (the Habitats Regs) have recently been updated so that disturbance of a European Protected Species can be an offence even if it is the result of an otherwise lawful activity.
- 5 If an area of the river is to be sealed off and drained down (in order to create a dry working area), then a fish rescue must be carried out by suitably competent people on the advice of the Environment Agency's Fisheries Team.
- 6 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
- 7 N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats
- 8 N11C - General
- 9 N18 - European Protected Species Licence
- 10 ND03 - Contact Address
- 11 HN03 - Access via public right of way
- 12 N04 - Rights of way
- 13 Any re-planting or re-seeding should comprise native species only. The scheme submitted under the requirements of condition 4 ii) above should specify the species, numbers, sizes and area of land.
- 14 HN20 - Common land
- 15 Environment Agency advice on statutory responsibilities and good environmental practice is available at <http://www.environment-agency.gov.uk/business/444251/444731/ppg/> . Please refer to Pollution Prevention Guideline 5 'works in, near or liable to affect watercourses'.
- 16 Any waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Act 1990, Carriers transporting waste from the site must be registered waste carriers.

**17 N15 (Reasons for the Grant of Planning Permission)**

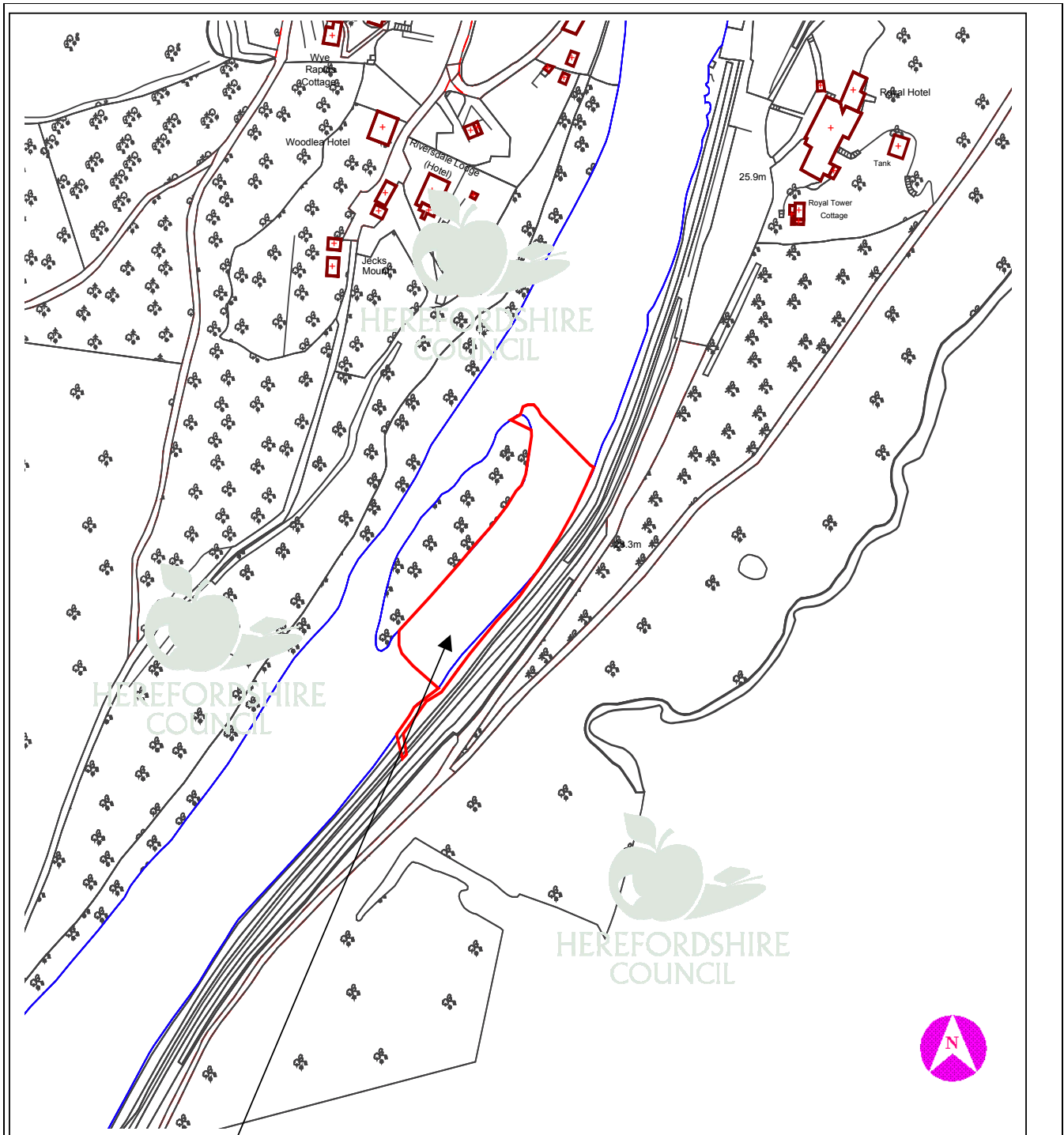
**18 N19 – Avoidance of doubt**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2008/0207/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Symonds Yat Rapids, Symonds Yat (on the River Wye), Near Monmouth. OS Grid Reference SO) 561156

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