

DCSE2004/1470/F - CONSTRUCTION OF A FLOOD ALLEVIATION SCHEME FOR ROSS-ON-WYE TO PROVIDE PROTECTION FROM FLOODING FROM THE RUDHALL AND CHATTERLEY BROOKS AT VARIOUS LOCATIONS ALONG THE RUDHALL AND CHATTERLEY BROOKS THROUGH ROSS-ON-WYE, HEREFORDSHIRE.

**For: Herefordshire Council per Halcrow Group Limited,
Red Hill House, 227 London Road, Worcester,
WR5 2JG**

Date Received: 11th May 2004

**Wards : Ross-on-Wye
West & East**

Grid Ref: 60551, 24704

Expiry Date: 6th July 2004

Local Members: Councillors Mrs. A.E. Gray, Mrs. C.J. Davis, G. Lucas & M.R. Cunningham

1. Site Description and Proposal

- 1.1 This proposal which relates to the stretches of the Rudhall and Chatterley Brooks from close to their confluence with the River Wye upstream to the east side of the A40(T) relief road and to the north of Marsh Farm, Hildersley. The intention is to alleviate flooding in Ross on Wye from these brooks for an anticipated period of 200 years. 30 residential and 40 commercial properties would be protected by these works.
- 1.2 The intention is to provide flood storage capacity upstream of the relief road and to increase the capacity of the drainage system through the town. It is understood that a contributory factor in the town is that the Greytree Road culvert downstream from Five-Ways is of insufficient size, with the result that water spills over Broad Meadows and adjoining areas and properties. The additional drainage capacity will ensure that this flooding does not take place except in extreme circumstances and during flash floods.
- 1.3 The existing culvert will be maintained but when flows reach a certain level will be 'siphoned' through the new drainage system. The scheme comprises the following:
- a flood storage bund to attenuate flows on the Rudhall and Chatterley Brooks upstream of the A40. The flow of water downstream would be controlled to balance with the increased capacity of the downstream system resulting in the proposed scheme reducing the flood levels within the flood storage area compared with the existing situation;
 - enlarging the culverts to the Broadmeadow Caravan Park and Broadmeadow Industrial Estate;
 - provision of a stepped channel on the Chatterley Brook in Broadmeadow Industrial Estate;
 - enlarging the existing Chatterley Brook culvert between the disused railway line and Fiveways Pool;

- provision of a siphon constructed by tunnelling, to take excess flows from the Chatterley Culverts and discharge them back into Rudhall Brook via an outlet weir in Rope Walk Meadow;
- provision of a stepped channel on the Rudhall Brook through Rope Walk Meadow;
- the siphon will consist of a horizontal tunnel between two vertical shafts. It is proposed to construct the tunnel connecting the two shafts by 24 hour working from Homs Road car park.

1.4 There have in the past been a number of alternative schemes to resolve this long-standing problem in Ross on Wye. This proposal has been prepared by Halcrow Group Limited as consultants to Herefordshire Council. The scheme has been prepared following extensive consultation with relevant council departments and other interested parties.

2. Policies

2.1 Planning Policy Guidance

PPG25 Development and Flood Risk

2.2 Hereford and Worcester County Structure Plan

Policy CTC1 Area of Outstanding Natural Beauty
 Policy CTC2 Area of Great Landscape Value
 Policy CTC9 - Development Requirements

2.3 South Herefordshire District Local Plan

Policy C5 Development within AONB
 Policy C8 Development Within Area of Great Landscape Value
 Policy C12A Ramsar sites, SPA, SAC protection
 Policy C44A Flood Alleviation Schemes

3. Planning History

3.1 None relevant to this proposal.

4. Consultation Summary

Statutory Consultations

4.1 The Environment Agency objects to the proposed development until further information is supplied regarding any risk to groundwater as the site is close to a source of potable water (Alton Court PWS) and may result in a loss of protected yield of that water.

- (1) A major section of the proposed Ross on Wye flood alleviation scheme is located within the Outer Protection Zone for the Alton Court Public Water Supply (PWS) Source Protection Zone (SPZ). Although some details have been provided on the proposals no details have been included which outline the construction of the tunnelled section which will be located well below the water table in a minor aquifer used locally for public water supply. In the absence of supporting information with the application, the Agency have concerns regarding the potential for contamination of groundwater within the SPZ as well as derogation of the yield.

- (2) Surface water in the Rudhall Brook which is located within the SPZ catchment is currently classified as being of a Fair quality according to the Agency's current General Quality Assessment data. There is however the potential for water quality to deteriorate rapidly in flood events as an outward hydraulic gradient may develop with the potential for loss of contaminated floodwater into the groundwater of the Outer SPZ for the Alton Court source.
- (3) In addition to the risk from contamination, no consideration has been made regarding the potential impact of the proposals on the groundwater flow in the aquifer within the SPZ and what impact this may have on the yield of the licensed abstraction. The abstraction takes groundwater from a number of sandstone horizons and the tunnel and shaft will be constructed through these. Physical disturbance of the flow means that there is the potential to intercept throughflow in the aquifer thus reducing the yield of the abstraction.
- (4) Further information is therefore required regarding the construction of the siphon tunnel and storage shafts. Reassurance over the construction, operation and maintenance of these structures along consideration of the groundwater regime under which they will operate will be required by the Agency before they can consider the scheme satisfactory. In addition, the applicant must also assess the potential impact from physical disturbance of groundwater flow in the aquifer as a result of the installation of shafts and the siphon tunnel.

4.2 English Nature comment:

"English Nature has been in consultation over this scheme for some time and has made comments to cover many of the aspects contained in the report. The issue of crayfish, which is not included, is in hand. Overall the scheme seems a good compromise between protecting the town from flood events from the two streams and the building of an interesting landscape.

The area of wetland grassland and the improvements to the streams should give valuable and scarce wetland areas, though there is no comment about its management. Clearly the scheme needs to address the after-use management for the full biodiversity gains to be realised. Our comments about reduction of sediment loadings into the River Wye Site of Special Scientific Interest/ Candidate Special Area of Conservation have already been made, and the appropriate protocols should be in place to ensure that this happens.

English Nature will continue to comment on the detail in consultation with the Environment Agency and Halcrow."

- 4.3 Welsh Water comments that the development site is crossed by several public sewers and water mains and that no development will be permitted within the safety zone of each sewer/watermain.

Internal Council Advice

- 4.4 Head of Engineering and Transportation does not raise any objections to the proposal but points out that the temporary access to the car park is sub-standard and any reduction in the length of time that the top car park entrance is used as a two-way access would be welcome.

There are no objections in principle to the temporary closure and diversions of the public rights of way.

4.5 The Chief Conservation Officer advises as follows:

Landscape and Biodiversity

It is pointed out that there are opportunities offered by the scheme to enhance the biodiversity and landscape interest of the area without compromising the primary purpose of the works.

We are pleased to note that much of our comment with regard to the pre-application scoping exercise has been addressed. Remaining areas of concern are therefore limited.

Archaeology

We have no major concerns in relation to the scheme. We are satisfied in this case that the impact on the railway embankment is reasonable under the circumstances. We would recommend standard archaeological condition D01, in order that a proper archaeological watching brief can be secured on parts of the scheme. We are not of the view that this needs to be extensive.

Building Design

Further details of the grating and overflow structure are required. These could be the subject of a planning condition.

5. Representations

5.1 The applicant's agent makes the following points:

- (1) The scheme is a development of the general strategy of a report prepared by Halcrow in July 2002 and the result of consultation with the Environment Agency and English Nature.
- (2) The works will not require any road closures and only minimal traffic management to provide access off the public highway. However the lower car park at Fiveways will need to be closed for the duration of the works as will an area adjacent to the proposed works in Homs Road car park.
- (3) A temporary public footpath closure will be required in Homs Road car park for the duration of the works. A short permanent diversion will be sought to enable the existing footbridge over the Rudhall Brook to be relocated immediately upstream of the proposed siphon outlet structure. A temporary diversion of the footpath upstream of the A40 adjacent to the Rudhall brook will be required for the duration of the works. The footpath adjacent to the caravan park will also require a temporary closure.
- (4) An ecological Impact Assessment has been undertaken for the proposed scheme.
- (5) A report issued to the Environment Agency in March 2004 as a supporting document is attached for information. The report includes an assessment of "likely Significant Effect", undertaken as the Rudhall brook is a tributary to the River Wye, a candidate Special Area of Conservation (cSAC). Response to consultations with English nature concludes, "I consider that these proposals do

not result in a likely significant effect on the European site". A copy of the letter is submitted.

5.2 Three letters have been received objecting to or expressing concerns about the proposals. These relate primarily to the reduction in height of an area of dismantled railway west of the former Ross Station to provide material for the bund and to public rights of way issues. With regard to the former it is argued, in summary, that:

- (1) the destruction of the track bed should be preserved as an historic feature and potential sustainable transport link in the future (whether walkway, cycleway or railway)
- (2) preserving such lines is in line with Council policy e.g. T5 of Draft Unitary Deposit Plan resists demolition where potential for re-use as is the case here especially in view of its town location
- (3) value of railway lines as historic landscape features is also recognised in UDP and Policy LR2 states that "development that would adversely affect either the overall character of the landscape....or its key attributes or features will generally be resisted."
- (4) the scheme must be adapted around the redundant line which must be preserved.

The Public Rights of Way concerns are in summary as follows:

- (1) the drawings are of excellent quality but the wording of the proposals is ambiguous
- (2) the bund over/along part of footpath RR2 would create hazards for path users (a "dam" on south side of path and "canal/river" on north side) - duty of care in such matters and under Highways Act. Questioned how footpath on bund would be accessed and fenced.
- (3) How 'temporary' is temporary closure of footpaths and what are alternative routes?
- (4) urgent need for footpath adjacent to western side of relief road which would partly overcome temporary closure of ZK8.
- (5) Footpath ZK10 will also be affected as would RR2A by temporary closure of RRZ and hence need a temporary closure order.
- (6) The legal diversion and bridge works to footpath should take precedence over the proposed works.

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

6. Officers Appraisal

6.1 Policy C44A of the South Herefordshire District Local Plan encourages "flood alleviation measures and schemes which improve the local environment, community life and/or assist the local economy by relieving properties of flooding or by enabling beneficial new development." The current scheme would ensure that a significant number of both residential and commercial properties are no longer vulnerable to flooding. In addition although the works would require some loss of trees and temporary disruption to wildlife habitats in the longer term these works are likely to be beneficial to wildlife.

- 6.2 The most significant works are below ground level (the siphon to divert water from Greytree culvert). Generally the minor building works required e.g. bridges, and new overflow structure are not in conspicuous locations. Further details are required but these can be the subject of planning conditions. The earthworks include bunds to form a flood storage area east of the A40(T) relief road, and reducing the level of the former railway embankment, together with improvements to the channels of the Rudhall and Checkley Brooks. The landscape impact of these have been given careful consideration and the changes kept to the minimum. It is not considered that this extensive scheme would cause serious harm to the visual amenities of the area.
- 6.3 Concern is raised in the representations about the loss of former railway track bed and the effect on public rights of way. The Council's policies seek to retain railway lines and features both for their landscape value and as future pedestrian, cycle or rail routes. The latter would not be compromised to any serious degree as a pedestrian route; much of the former railway line in this area has been redeveloped. In these circumstances it is considered that the benefits of the proposed flood alleviation scheme outweigh any residual disbenefits. Most of the changes to public footpaths would be temporary but further consideration is being given to the concerns raised regarding safety and convenience of walkers as a consequence of the diversion of footpath RR2.
- 6.4 The most critical issue is Environment Agency's objections and that potable water supplies could be contaminated during construction of the tunnel and that the quantity of drinking water that could be extracted is reduced. These matters were not raised in initial consultation by the applicant's consultants and any further response will be reported at the Committee meeting.
- 6.5 An ecological study has been undertaken but further surveys need to be undertaken and mitigation measures developed to protect crayfish and water vole populations. As noted in paragraph 6.1 above the completed scheme should provide improved habitats and increase biodiversity and at least with regard to crayfish it is considered that planning conditions would be adequate. English Nature has informally questioned whether the water vole study should be undertaken prior to the grant of permission and this is being considered further by the applicant. From the advice of English Nature it is clear that the conservation interests of the River Wye CSAC and SSI would not be harmed.

RECOMMENDATION

That subject to the Environment Agency objections being met the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any additional conditions considered necessary by officers.

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

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

2 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

3 G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

4 G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

5 G07 (Details of earth works)

Reason: In order to protect the visual amenities of the area.

6 D01 (Site investigation – archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

Informative(s)

1 N15 (Reasons for the Grant of Planning Permission)

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.