
Application Decision

by Richard Holland

Appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 2 August 2018

Application Ref: COM/3193619

Catsford & Wall Common, Somerset

Register Unit No: CL 84

Commons Registration Authority: Somerset County Council

- The application, dated 10 January 2018, is made under Section 38 of the Commons Act 2006 (the 2006 Act) for consent to carry out restricted works on common land.
 - The application is made by the Environment Agency.
 - The works comprise the strengthening of the rear earth embankment of the Stolford Flood Defence Scheme by raising the crest level and reinforcing (using concrete blockwork) the front face of the existing earth embankment. The proposed works will cover an area of 2.6 hectares.
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Decision

1. Consent is granted for the works in accordance with the application dated 10 January 2018 and accompanying plan subject to the condition that the works begin no later than three years from the date of this decision.
2. For the purposes of identification only the location of the works is outlined in red on the attached plan. The area outlined in blue does not form part of this application.

Preliminary Matters

3. I have had regard to Defra's Common Land Consents Policy¹ in determining this application under section 38, which has been published for the guidance of both the Planning Inspectorate and applicants. However, every application will be considered on its merits and a determination will depart from the policy if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the policy.
4. This application has been determined solely on the basis of written evidence.
5. I have taken account of the representations made by Natural England (NE) and the Open Spaces Society (OSS).
6. I am required by section 39 of the Commons Act 2006 to have regard to the following in determining this application:-
 - a. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
 - b. the interests of the neighbourhood;
 - c. the public interest;² and

¹Common Land Consents Policy (Defra November 2015)

²Section 39(2) of the 2006 Act provides that the public interest includes the public interest in; nature conservation; the conservation of the landscape; the protection of public rights of access to any area of land; and the protection of archaeological remains and features of historic interest.

- d. any other matter considered to be relevant.

Reasons

The interests of those occupying or having rights over the land

7. The applicant confirms that Sharpham and Sheep Commoners Association is the landowner and has been consulted about the application. The landowner has not objected to the proposed works. The grazing rights are rented and exercised from April until the end of November. There is no indication that the works will have any adverse impact on the interest of those occupying or having rights over the land.

The interests of the neighbourhood and the protection of public rights of access

8. The interests of the neighbourhood test relates to whether the works will unacceptably interfere with the way the common land is used by local people. The works are to the Stolford Flood Defence Scheme and will raise and protect the rear embankment along a 180 metre length and extend the existing rockwork which currently ends at the Stolford car park. The works will replace the current maintenance regime of recycling shingle, which the applicant considers to be insufficient, uneconomic and unsustainable, to provide sustainable flood protection for the village of Stolford. The works were granted planning permission subject to conditions on 12 April 2018 (application no. 3/32/17/015).
9. There is no indication that the works will interfere with how the common is used by local people. The current access arrangements will be maintained along the existing footpath on the crest of the embankment and to the foreshore. I am satisfied that the works will not impact on the interests of the neighbourhood or public rights of access.

Nature conservation

10. The works are located within the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites (that form the Severn Estuary Natura 2000 site) and the Bridgewater Bay Site of Special Scientific Interest (SSSI). NE confirms that the necessary approvals have been given for the works and agrees that the common could be affected by tidal flooding if the flood defence scheme is not implemented. An area of habitat lost through the construction of the new sea defence will be compensated by equivalent habitat creation adjoining the common. The applicant has submitted an Environmental Statement dated 19 November 2017 which concludes that the improved flood defences will provide an array of environmental enhancements. On the basis of NE's comments and the evidence before me, I am satisfied that the works will not impact adversely on nature conservation interests.

Conservation of the landscape

11. The works consist of 4000 m² of blockwork revetments, 625 m² of rock armour tie-ins and 700 m² of rock at the revetment toe. The footpath will comprise 400 m² of hillblock units that are modified to limit voids and minimise trip hazards. The works will link to existing rockwork currently terminating at Stolford car park. A lower crest height, with longer/shallower seaward revetment on the seaward side, is intended to reduce the visual impact when looking seaward. There will be no works on the rear of the existing embankments to preserve the habitat.
12. I consider that the design of the works will help mitigate the visual impact but accept that any further visual mitigation is restricted by the need to ensure the works are effective in the long term. The applicant has provided images of the type of blockwork revetment and rock armour to be used in the works. Bearing in mind the nature of the job that they will

do I do not consider that these materials will be unduly visually intrusive. Furthermore, I am satisfied that the works, by helping prevent erosion and flooding, will conserve the landscape.

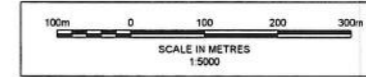
Archaeological remains and features of historic interest

13. I am satisfied that there is no evidence before to indicate that the works will harm any archaeological remains and features of historic interest.

Conclusion

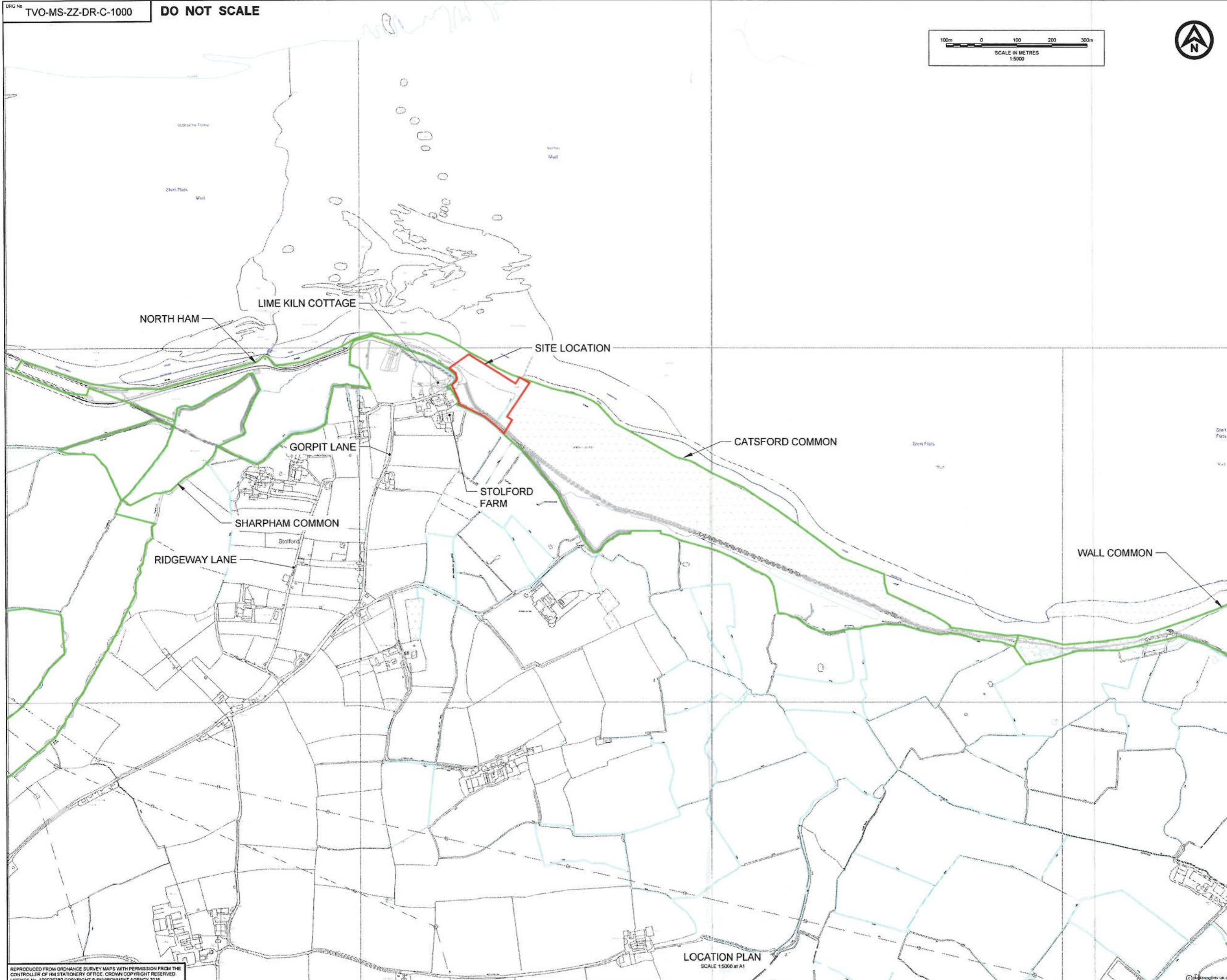
14. I conclude that the works will not unacceptably impact on the interests set out in paragraph 6 above and that those living in the local area will benefit from sustainable flood protection. Consent is granted for the works subject to the condition set out in paragraph 1.

Richard Holland



- NOTES**
1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
 2. ALL LEVELS ARE IN METRES RELATIVE TO CHART DATUM (CD) UNLESS NOTED OTHERWISE.
 3. ALL COORDINATES ARE IN METRES RELATIVE TO WORLD GEODETIC SYSTEM 1984 (WGS84) UNIVERSAL TRANSVERSE MERCATOR (UTM) ZONE XXX.

- COMMON LAND BOUNDARY
- SITE BOUNDARY BOUNDARY



REV	DATE	DESCRIPTION	BY	CHK	APP
P1	09/2017	S2 - FIT FOR INFORMATION	JHG	AM	AM

PROJECT
SOMERSET PACKAGE
STOLFORD FLOOD
DEFENCE SCHEME



CLIENT REF
IMSW002037

TITLE
COMMON LAND
LOCATION PLAN



DRAWN	GG	CHECKED	JG	APPROVED	AM
DATE	FEB 2017	SCALE	1:5000 @ A1	REF	PB4311
DRAWING No	TVO-MS-ZZ-DR-C-1000	SUITABILITY	S2	REVISION	P1