

"Hoveton Wetlands Restoration Project"

Partner Organisations



4th February 2021

Dear Mr Freeman,

**Application for an environmental permit: Part B10 – Flood Risk Activities
Temporary fish barriers at Hoveton Great Broad and Hudson's Bay**

- 1) This letter forms part of the accompanying application for a Flood Risk Activity Permit(s) in relation to temporary fish barriers at Foxborrow Dyke, The Dam and Hoveton Marshes.
- 2) The proposed structures at Foxburrow Dyke, The Dam and Hoveton Marshes are identical to those for which a Flood Risk Activity Permit was granted on 23rd July 2020 (no. EPR/NB3494JP), and subsequently quashed on procedural grounds. Some of the documents accompanying this application have been updated since the previous application, which was made on 25th November 2019 but none of these changes relate to the nature of the barriers, location, methods of working or other matters that could affect flood risk. The table of contents, below, indicates those documents that we are submitting for your consideration.
- 3) Please note that the application form Part B10, at section 6, requests '*If you have details on previous public consultation on environmental issues, include this as a separate document in the application*'. I trust it is sufficient to state that in response to this that the Environment Agency carried out a full public consultation between Monday, 20th January to 17th February 2020 on the EA's citizen space webpage <https://consult.environment-agency.gov.uk/east-anglia-c-e/hoveton-great-broad-temporary-fish-barriers>.
- 4) Please also note that some of NE's ability to conduct surveys and monitoring as noted in both the 'Monitoring Plan' and submitted 'Monitoring Plans' with the Broads Authority have been compromised by the National Coronavirus pandemic, which has prevented NE from conducting some of this monitoring work to date.
- 5) In your letter of 15th January 2021, you noted that the inclusion of eDNA monitoring, the proposed extension of the PhD project and the formation and funding of the Hoveton Monitoring Advisory Group were important aspects of the necessary monitoring of the Hoveton Great Broad Restoration Project, and you asked us to make clear our intention to deliver these things. As the documents attached to this application will make clear, NE does intend to deliver these things.
- 6) Also, in your letter of 15th January 2021 you made a number of comments relating to monitoring & mitigation, and the Fisheries Improvement Programme. These matters stem from Conditions 6 and 7 of permit no. EPR/NB3494JP which required the creation and approval of a Monitoring and Mitigation Plan and a Fisheries Improvement Programme prior to the commencement of the permitted works. In order to avoid uncertainty and delay in the period between any grant of permission and the start of works NE has incorporated into this application proposals that it believes will reasonably satisfy these concerns and allow any permitted works to begin with the minimum of delay. These issues are dealt with in documents 17, 20 and 21 from the below index.

- 7) Very recently, the PhD research carried out by a student from Bournemouth University has become available, following the grant of the PhD. Natural England has incorporated results and conclusions of this work in the documents accompanying this application (with all updated documents identified below) and if you propose to include this work in your forthcoming consultation exercise we can have no objection, but would suggest that you contact the University beforehand.
- 8) In relation to one issue – that of eel passes, the proposals are not yet in final form. We are working with the Environment Agency to finalise this and suggest that this ought not prevent or delay the determination of the application. If this issue remains unresolved at the date of any grant of permission it would clearly be appropriate to deal with it by way of condition.

Contents of application

No	Document Title	Notes
	General Application Documents	
1	Covering Letter	
2	Environmental Permit Part A	EA Application Form
3	Form F3 2021	EA Application Form
4	Application Form Part B10	EA Application Form
5	Alternatives to Full Lake Biomanipulation	NE evidence document on rationale
	Project Concept	
6	Hoveton Project creating a sustainable future	NE document on rationale for the project
7	Hoveton Fish Barrier Outline Method Statement	Breheny
	Descriptive Documentation	
8	Hoveton Great Broad Fish Barrier Outline Methodology	Breheny
9	Hoveton Great Broad Proposed Vessel Route	Breheny
10	02595 Hoveton Screens PO4 – DRA Design Risk Assessment	Breheny
11	02595 Hoveton Screen Design Report v3	Breheny
12	Hoveton Screens _ 02595 ... Fish Barriers.pdf	Breheny
13	Environmental Statement appendices Vol III	Landscape Partnership on behalf of NE
14	Environmental Statement Executive Summary	Landscape Partnership on behalf of NE
15	Environmental Statement Vol 1[1] ¹	Landscape Partnership on behalf of NE

¹ Natural England wishes to clarify paragraph 8.5.24 of the Environmental Statement of July 2014. The third sentence of this paragraph ought to read as follows: *“If these impacts are assessed by the Environment Agency as being significant, biomanipulation will not proceed.”*

16	Biomanipulation Barriers	NE Map indicating planned locations
17	Fisheries Advisory Group January 2021	NE Terms of Reference for Advisory Group
	Modelling Documents	
18	Hoveton Modelling April 2019	Jacobs – Investigations into flood risk
19	Flood Risk Modelling Files and Sensitivity Tests	Jacobs in response to schedule 5 requests by EA in 2020 – sensitivity tests
	Monitoring Plans & Surveys	
20	HWRP Appendix 4 Monitoring Plan	NE Main Monitoring Plan for site
21	HWRP Monitoring Plan addendum October 2020	NE addendum to main monitoring plan
22	HGB Fish Barriers water vole & otter surveys	NE document from August 2020 survey
23	Water Framework Directive Assessment	NE's WFD updated assessment

Spawning habitat monitoring of the Upper Bure and Ant

- 9) Natural England recognises the importance of maintaining spawning sites and habitat for all fish species that are a natural component of a healthy and balanced fishery within an SAC and SSSIs in or returning to favourable conservation status.
- 10) Natural England also recognises that habitat improvements in the wider river system may be appropriate in places that could be identified by monitoring and that such improvements, though important, lie outside of the scope of the Hoveton Great Broad Restoration Project and the rationale for the structures for which permission is being requested. Natural England is committed to looking out for future opportunities to fund further work of this sort, with the potential for such future funding to be passed through the fisheries advisory group that we suggest ought to exist.

Design and Implement Post Barrier Installation to identify fish spawning behaviour in the Bure system

- 11) Your letter of 15th January suggests that we ask the Hoveton Fisheries Monitoring Group (HMG) to commission spring spawning observational work, perhaps making use of the volunteer angling community in this work. We agree that this would be a good use of the HMG, in their role to advise the Steering Group on best practice, for them to debate this and, if felt appropriate, use their allocated ring-fenced budget to facilitate such work. We will also commit to keeping a look out for future funding opportunities to help support the HMG to commission further works as necessary.

ARIS camera monitoring of the barriers

- 12) We agree that the HMG should be tasked with the consideration of this issue, looking carefully at what this information would offer and the best ways of obtaining it. The monitoring plan

submitted to the Broads Authority proposed using this technology to check for any issues in the barrier construction. The Project is considering whether this offers the best value for money when 'Bathyscope' could be used to achieve the same data. The HMG can debate this and decide on how to direct its funds in the most cost-effective manner. Similarly, we agree that future HRSA survey work is also something that could be kept under review by the fisheries advisory group. We will again commit to keeping a look out for future funding opportunities to help support and boost this group's budget.

Maintain PhD studies and research – Support additional PhD studies

- 13) Natural England confirms that an extension to the PhD research will be funded for a further three years, at a cost in excess of £170,000.00. The data it provides will help inform future biomanipulation projects and EA's fishery management. We are committed to this and will commission the work once the barriers are in place and fish removal has commenced. This guarantees funded research to 2024.
- 14) Continuing this research beyond this additional 3 years is something that could be considered toward the end of this work, in the light of its results and if there remains a viable research question to be answered and funded. The HMG will have the flexibility to commission this should they wish.
- 15) We have outlined our reporting timeline in the monitoring plan submitted with the application [document 20].
- 16) In response to your question about monthly sampling, we confirm that we carry out monthly water sampling surveys and these will continue throughout the life of the barriers. These surveys will include WQ monitoring and zooplankton surveys.

eDNA lake fish monitoring

- 17) We agree that the HMAG should be tasked with identifying the optimal sampling programme and we confirm that project funds will be used for the sites we previously identified namely: Wroxham Broad, Salhouse Broad, Decoy Broad, Hoveton Little Broad and Pound End. Again, we will commit to looking out for future funding opportunities to support this work.

Fisheries Improvement Plan

- 18) In relation to your comments under this heading in your letter of 15th January I confirm that in reading that letter and in preparing this fresh application Natural England has fully borne in mind the contents of your letter of 2nd October 2020 and I hope and believe that this letter and the rest of our fresh application satisfy the concerns that you have raised. For clarity, all of the items mentioned in the documents that we lodged on 11th September 2020 in relation to the discharge of Conditions 6 and 7 of permit no. EPR/NB3494JP are now contained in full, or augmented, in this application.

Edge habitat management

- 19) We are committed to improving the littoral margins for spawning fish and maintaining good edge habitats to support a healthy and diverse fish community. All works that we undertake on this will be to meet and support SSSI requirements.

Create Hoveton Monitoring Advisory Group (HMAG)

- 20) You have referred to a group called the 'Hoveton Monitoring Advisory Group' (HMAG, or HMG), which is the same group that we have called the 'Fisheries Advisory Group'. For consistency and in order to stress that the terms of reference for this group are directed towards fisheries interests, we suggest that it would be helpful henceforth to call this group the 'Hoveton Fisheries Advisory Group' (**HFAG**). In order to give it status under the LIFE agreement and to bring this group within the scope of funding from the agreement, Natural England will, during the course of the project, treat the HFAG as an advisory sub-committee of the Project Steering Group, which is itself a requirement of the LIFE agreement. After the project ends the group can then become an advisory sub-committee of the AfterLIFE Steering Group, itself a further requirement of the LIFE agreement.
- 21) Natural England wishes to offer the Environment Agency the position of chair of the HFAG. The proposed Terms of Reference for the HFAG are at document no 17. .
- 22) The Terms of Reference make clear that the membership of the Advisory group should be agreed between NE and EA area managers. This allows negotiation and the addition of more angling advocates and fisheries scientists. However, what is most important is membership that ensures an appropriate balance of stakeholders so that meetings are efficient and productive and able to provide the most appropriate advice to the Project Steering Group and to fulfil the objects for which the overall project is funded. Natural England repeats its commitment to provide this group with a £25,000.00 ring fenced budget to allocate towards habitat improvement and/or further monitoring.

Conclusion

- 23) Please could you note that there are areas in which we consider that the information that we have supplied and the commitments that we are making are in excess of what is reasonably necessary, having regard to the nature of the installations for which permission is requested, the purposes of the overall project, the science and the law. However, Natural England is able to take this position because of the very considerable environmental improvements that the Hoveton Great Broad Restoration Project will bring if it comes to completion. Natural England has no doubt that without this project, which cannot proceed without the permission that we hereby apply for, the currently unfavourable status of Hoveton Great Broad and Hudson's Bay, for WFD, Habitats Directive and WCA 1981 purposes cannot be reversed.

We look forward to receiving due notification that the application has been duly made. We would also be grateful for periodic updates on progress against the timeline that you have given us.

Yours sincerely,



Mr Chris Terry
Project Manager



Mr Scott Hardy
Project Science Officer