

## “Hoveton Wetlands Restoration Project”

Partner Organisations



Dear Mr Freeman,

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

#### **Introduction**

- 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, as well as for two existing small temporary fish barriers at Gravel Dyke and Hudson’s Marsh, all as more specifically described in the accompanying application and associated documents. In relation to the two existing small temporary fish barriers, this application is made without prejudice to Natural England’s view that they do not, as a matter of fact and law, require Flood Risk Activity Permits. If you take the view that you are unable to consider applications for Flood Risk Activity Permits in relation to existing structures, we ask you to remove these two structures from our application and proceed to determine the application in relation to the three larger structures.
- 2) The proposed structures at Foxborrow Dyke, The Dam and Hoveton Marshes are identical to those for which a Flood Risk Activity Permit was granted on 23<sup>rd</sup> 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 25<sup>th</sup> 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 have been updated since the previous application, or which are new.
- 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, 20<sup>th</sup> January to 17<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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	Status
	<b>General Application Documents</b>		
1	Covering Letter		New
2	Environmental Permit Part A	EA Application Form	updated
3	Form F3 2021	EA Application Form	updated
4	Application Form Part B10	EA Application Form	updated
5	Alternatives to Full Lake Biomanipulation	NE evidence document on rationale	updated
	<b>Project Concept</b>		
6	Hoveton Project creating a sustainable future	NE document on rationale for the project	updated
7	Hoveton Fish Barrier Outline Method Statement	Breheny	
	<b>Descriptive Documentation</b>		
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	updated
11	02595 Hoveton Screen Design Report v3	Breheny	updated
12	Hoveton Screens_ 02595 ... Fish Barriers.pdf	Breheny	updated
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] <sup>1</sup>	Landscape Partnership on behalf of NE	updated
16	Biomanipulation Barriers	NE Map indicating planned locations	
17	Fisheries Advisory Group January 2021	NE Terms of Reference for Advisory Group	updated
	<b>Modelling Documents</b>		
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	
	<b>Monitoring Plans &amp; Surveys</b>		
20	HWRP Appendix 4 Monitoring Plan	NE Main Monitoring Plan for site	updated
21	HWRP Monitoring Plan addendum October 2020	NE addendum to main monitoring plan	updated
22	HGB Fish Barriers water vole & otter surveys	NE document from August 2020 survey	
23	Water Framework Directive Assessment	NE's WFD updated assessment	updated
	<b>Gravel Dyke &amp; Hoveton Marshes Documents</b>		
24	Gravel Dyke & Hoveton Marshes Method Statement	Amis Piling	new
25	Gravel Dyke & Hoveton Marshes Risk Assessment Work	Amis Piling	new
26	Gravel Dyke & Hudson's Marsh Fish Barrier Design	NE document	new
27	Gravel Dyke & Hudson's Marshes water vole & otter survey	NE document from survey work	new

#### 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

---

<sup>1</sup> 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."

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 15<sup>th</sup> 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 15<sup>th</sup> 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 2<sup>nd</sup> 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 11<sup>th</sup> 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,

A handwritten signature in black ink, appearing to read 'Chris Terry', with a stylized flourish at the end.

Mr Chris Terry  
Project Manager

A handwritten signature in blue ink, appearing to read 'Scott Hardy', with a long horizontal flourish extending to the right.

Mr Scott Hardy  
Project Science Officer