

# Permit with introductory note

## The Environmental Permitting (England & Wales) Regulations 2016

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**Operator Name**

Natural England

**Activity & location description**

Installation of three temporary fish barriers at the entrances to Hoveton Great Broad by piling supports and attaching the mesh barriers at Foxborrow dyke, the Dam, Hoveton marshes between Hoveton Great Broad and the main river Bure.

**National Grid Reference[s]:**

TG 3207 1581 (Foxborrow dyke), TG 3242 1614 (the Dam) & TG31891651 (Hoveton marshes)

**Permit number**

EPR/RB3557SW

# Introductory note

## This introductory note does not form a part of the permit

The main features of the permit are as follows.

The temporary installation of three fish barriers at the three entrances to Hoveton Great Broad for a maximum of 10 years. The three fish barriers are installed by piling supports into the river bed and attaching the mesh barriers. The three fish barriers will be installed at the following locations: Foxborrow dyke, the Dam, and Hoveton marshes between Hoveton Great Broad and the main river Bure.

The status log of the permit does not form part of the permit. It sets out the permitting history, including changes to the permit or permit reference number.

Status log of the permit		
Description	Date	Comments
Application received	26/01/2021	Application for three temporary fish exclusion barriers across the entrances to Hoveton Great Broad
Permit application determined as High Public Interest	26/01/2021	We assessed this permit application as being High Public Interest
Application EPR/RB3557SW duly made	Duly made 10/02/2021	Application is duly made
Public consultation started	10/03/2021	Web based public consultation open to the public
Public consultation finished	07/04/2021	Web based public consultation closed to the public
Internal consultation started	10/03/2021	Internal consultation to relevant teams opened
Internal consultation finished	19/04/2021	Internal consultation to relevant teams closed
Schedule 5 Notice requesting more information	07/06/2021	Notice request for more information from the operator on the WFD assessment, monitoring plan and missing application documents highlighted through the consultation
Extension granted	07/06/2021	Permit determination deadline extended from the 10 June 2021 to 15 September 2021, as agreed with the operator
Additional information received in regards to Schedule 5 Notice	18/06/2021	Additional information provided by the operator on WFD assessment, monitoring plan. The operator clarified that it does not consider the documents highlighted as missing from the application as relevant.
Minded to public consultation started	16/08/2021	Web based public consultation open to the public, including the Environment Agency's 'minded to grant' Draft Decision Document and a Draft Flood Risk Activity Permit
Extension granted	01/09/2021	Permit determination deadline extended from the 15 September 2021 to 14 October 2021, as agreed with the operator
Minded to public consultation	13/09/2021	Web based public consultation closed to the public
Permit determined EPR/RB3557SW	11/10/2021	Permit issued to Natural England

End of introductory note

# Permit

## The Environmental Permitting (England and Wales) Regulations 2016

### Permit number

**EPR/RB3557SW**

The Environment Agency hereby authorises, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016

**Natural England** ("the operator")

of

**Dragonfly House**

**2 Gilders Way**

**Norwich**


**NR3 1UB**

to operate the following flood risk activities:

The temporary installation of three fish barriers at the three entrances to Hoveton Great Broad for a maximum of 10 years. The three fish barriers are installed by piling supports into the river bed and attaching the mesh barriers. The three fish barriers will be installed at the following locations: Foxborrow dyke, the Dam, and Hoveton marshes between Hoveton Great Broad and the main river Bure.

**National Grid Reference(s) TG 3207 1581** (Foxborrow dyke), **TG 3242 1614** (the Dam) & **TG31891651** (Hoveton marshes)

to the extent authorised by and subject to the conditions of this permit.

Name	Date
  Mark Garratt Deputy Director, Business Implementation & Skills	11/10/2021

**Authorised on behalf of the Environment Agency**

# Conditions

## 1 Management

### 1.1 General management

- 1.1.1 The operator shall manage and operate the activities:
- (a) in accordance with a written management system that identifies and minimises risks of flooding, impact on drainage and environmental harm so far as is reasonably practicable, including those risks arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints; and
  - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of the permit.

## 2 Operations

### 2.1 Permitted activities

- 2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).

### 2.2 The site

- 2.2.1 The activities shall not extend beyond the site, being the land shown edged in red on the site plan at schedule 2 to this permit and showing National Grid Reference[s] **TG 3207 1581** (Foxborrow dyke), **TG 3242 1614** (the Dam) & **TG31891651** (Hoveton marshes).

### 2.3 Operating techniques

- 2.3.1 The operator shall use appropriate measures, including but not limited to those in the approved Method of Work:
- (a) to minimise sediment mobilisation
  - (b) to minimise impact on biodiversity
  - (c) to ensure there is no increase to flood risk or detrimental impact on drainage;
  - (d) for the storage and disposal of waste produced; and
  - (e) to prevent and minimise environmental harm.
- 2.3.2 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or, where that is not practicable, to minimise, leakage and spillage from the primary container.
- 2.3.3 Measures shall be taken to ensure that the activities do not cause the spread of invasive non-native species or plant or animal diseases.
- 2.3.4 The activities shall not have a significant adverse effect on protected or priority species.
- 2.3.5 Measures will be taken to ensure fish will be protected in the implementation of the permitted activities.

- 2.3.6 The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by the Environment Agency.

## **2.4 Operation, maintenance and access**

- 2.4.1 This permit does not contain any conditions relating to operation, maintenance and access.

# **3 Information**

## **3.1 Records**

- 3.1.1 All records required to be made by this permit shall:
- (a) be legible;
  - (b) be made as soon as reasonably practicable;
  - (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
  - (d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made.
- 3.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by the Environment Agency.

## **3.2 Reporting**

- 3.2.1 The operator shall send all reports and notifications required by the permit to the Environment Agency using the contact details supplied in writing by the Environment Agency.

## **3.3 Notifications**

- 3.3.1 The Environment Agency shall be notified no less than 7 days before the commencement of the activities.
- 3.3.2 The Environment Agency shall be notified no less than 7 days after the activities are completed.
- 3.3.3 The Environment Agency shall be notified without delay following the detection of any breach of a limit specified in the permit or any significant environmental effects resulting from the activities or of any breach of the permit.
- 3.3.4 Written confirmation of actual or potential incidents or effects and breaches referred to in 3.3.3 shall be submitted within 24 hours.
- 3.3.5 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator is a registered company:

- (a) any change in the operator's trading name, registered name or registered office address; and
- (b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

- (a) any change in the operator's name or address; and
- (b) any steps taken with a view to the dissolution of the operator.

In any other case:

- (a) the death of any of the named operators (where the operator consists of more than one named individual);
- (b) any change in the operator's name(s) or address(es); and
- (c) any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.

3.3.6 Where the operator proposes to make a change in the nature or functioning, or an extension of the activities, which may have consequences for flood risk, drainage or the environment and the change is not otherwise the subject of an application for approval under the Regulations or this permit:

- (a) the Environment Agency shall be notified at least 14 days before making the change; and
- (b) the notification shall contain a description of the proposed change in operation.

### **3.4 Interpretation**

3.4.1 In this permit the expressions listed in schedule 3 shall have the meaning given in that schedule.

3.4.2 In this permit references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "without delay", in which case it may be provided by telephone.

3.4.3 Any reference to a distance of a number of metres from a flood defence structure, drainage work, remote defence or sea defence is a reference to that distance as measured from the foot of the foregoing as the case may be.

3.4.4 Any reference to a distance of a number of metres from a river control work is a reference to that distance as measured from the nearest part of the river control work.

3.4.5 Any reference to a distance of a number of metres from a watercourse is a reference to that distance as measured horizontally from the foot of the bank on the landward side of the watercourse.

# Schedule 1 – Operations

Table S1.1 activities		
Activity reference	Description of activities	Limits of activities
	<b>Temporary works</b>	
T1	Installation of three fish exclusion barriers by piling supports into the river bed and attaching the mesh barriers.	<p>The works shall be carried out in accordance with the permit application and the plans and drawings which accompany it, as follows:</p> <ol style="list-style-type: none"> <li>1. Application submission letter 1 (referenced: FRAP Submission Letter 26.01.21 and dated 26/01/2021)</li> <li>2. Application submission letter 2 (referenced: B10 covering letter 27.01.21 and dated 27/01/2021)</li> <li>3. Application submission letter 3 (referenced: FRAP Submission Letter 04.02.21 and dated 04/02/2021)</li> <li>4. Application form (Part A, B10 &amp; F3).</li> <li>5. Natural England's evidence on Hoveton Great Broad fishery (referenced: Hoveton Project: creating a sustainable future for the Bure system_updated July 2021 and Dated: July 2021)</li> <li>6. Annex 1 of Natural England's evidence on Hoveton Great Broad fishery (referenced: Annex 1 - Fish assemblages in the Broads and Dated: 26/01/2021)</li> <li>7. Annex 2 of Natural England's evidence on Hoveton Great Broad fishery (referenced: Annex 2 – Macrophyte recovery in HGB post biomanipulation and Dated: 26/01/2021)</li> <li>8. Design drawings showing the schematic plan of the proposed three fish barrier structures, including eel trap and fyke (referenced: Hoveton Screens_02595_001-011_P04 Hoveton Fish Barriers and dated: 13/01/2021)</li> <li>9. Environmental Statement - Volume III Appendices (referenced: Environmental Statement Volume III: Appendices and dated: 07/07/2014)</li> <li>10. Environmental Statement - Volume IV (referenced: Environmental Statement Volume IV: Non-Technical Summary and dated: 07/07/2014)</li> <li>11. Environmental Statement - Volume I (referenced: Environmental Statement Volume I: Environmental Statement and dated: 07/07/2014)</li> <li>12. Structures location map (referenced: Biomanipulation Barriers and dated: 5/11/2018)</li> <li>13. Document setting out the role and responsibilities of the Hoveton Fisheries Advisory Group (referenced: Hoveton Fisheries Advisory Group. HFAG January 2021 PDF and dated: January 2021)</li> <li>14. Hydraulic modelling report (referenced: Hoveton Great Broad Restoration, Modelling Report – Revision 1.0 and dated: April 2019)</li> <li>15. WFD Assessment (referenced: Hoveton Wetlands Restoration WFD compliance Assessment and dated: June 2014)</li> <li>16. WFD Assessment Addendum (referenced: Updated WFD Compliance Assessment_January 2021 and dated: January 2021)</li> </ol>

Table S1.1 activities		
Activity reference	Description of activities	Limits of activities
		<p>17. Natural England Response letter to Schedule 5 Notice Request for more information on WFD Assessment, Monitoring Plan (referenced: Schedule 5 Response 18.06.21 and dated: 18/06/2021)</p> <p>18. Additional information on WFD assessment following our Schedule 5 Notice (referenced: ERPPRB3557SW_WFD reassessment paper_schedule 5 and dated: June 2021)</p> <p>Conditions:</p> <p>(1) The activity shall be commenced within 3 years of the date of this permit and structures installed within 3 months of commencement.</p> <p>(2) The Operator shall remove the three fish barrier structures at the locations of Foxborrow dyke, the Dam, Hoveton marshes between Hoveton Great Broad and the main river Bure, without delay upon them becoming no longer required in connection with the activity and removed in any event 10 years from the date of the commencement of the works.</p> <p>(3) The installation of all the works must take place between September and February inclusive to ensure no impact on designated features.</p> <p>(4) The activity shall not be commenced until the final eel passage designs for the three fish barriers have been submitted in writing to the Environment Agency, and approved in writing by the Environment Agency. The activity shall be implemented in accordance with the approved eel passage designs.</p> <p>(5) The activity shall not be commenced until up to date ecological surveys including any required mitigation for water vole and otter have been undertaken for the locations of the three fish barriers, submitted to the Environment Agency in writing and approved in writing by the Environment Agency. The activity shall be implemented in accordance with the approved ecological surveys and any approved mitigation measures.</p> <p>(6) The survey methodology for the water vole ecological survey must comply with the Water Vole Mitigation Handbook, which recommends two surveys separated by a period of two months, one between mid-April and the end of June, and one between July and September.</p> <p>(7) The survey methodology for the otter ecological survey must comply with Natural England's standing advice for Local Planning Authorities, which states that otter surveys should include looking for spraints, tracks, feeding remains, slides, holts and couches.</p> <p>(8) The permitted activities shall not be commenced until finalised Monitoring and Mitigation Plans have been submitted in writing by the Operator to the Environment Agency and approved in writing by the Environment Agency. The permitted activities shall be implemented in accordance with the approved Monitoring and Mitigation Plans.</p> <p>(9) If the Environment Agency determines that the exclusion of fish from Hoveton Great Broad and Hudsons Bay is causing significant environmental harm to the fish</p>



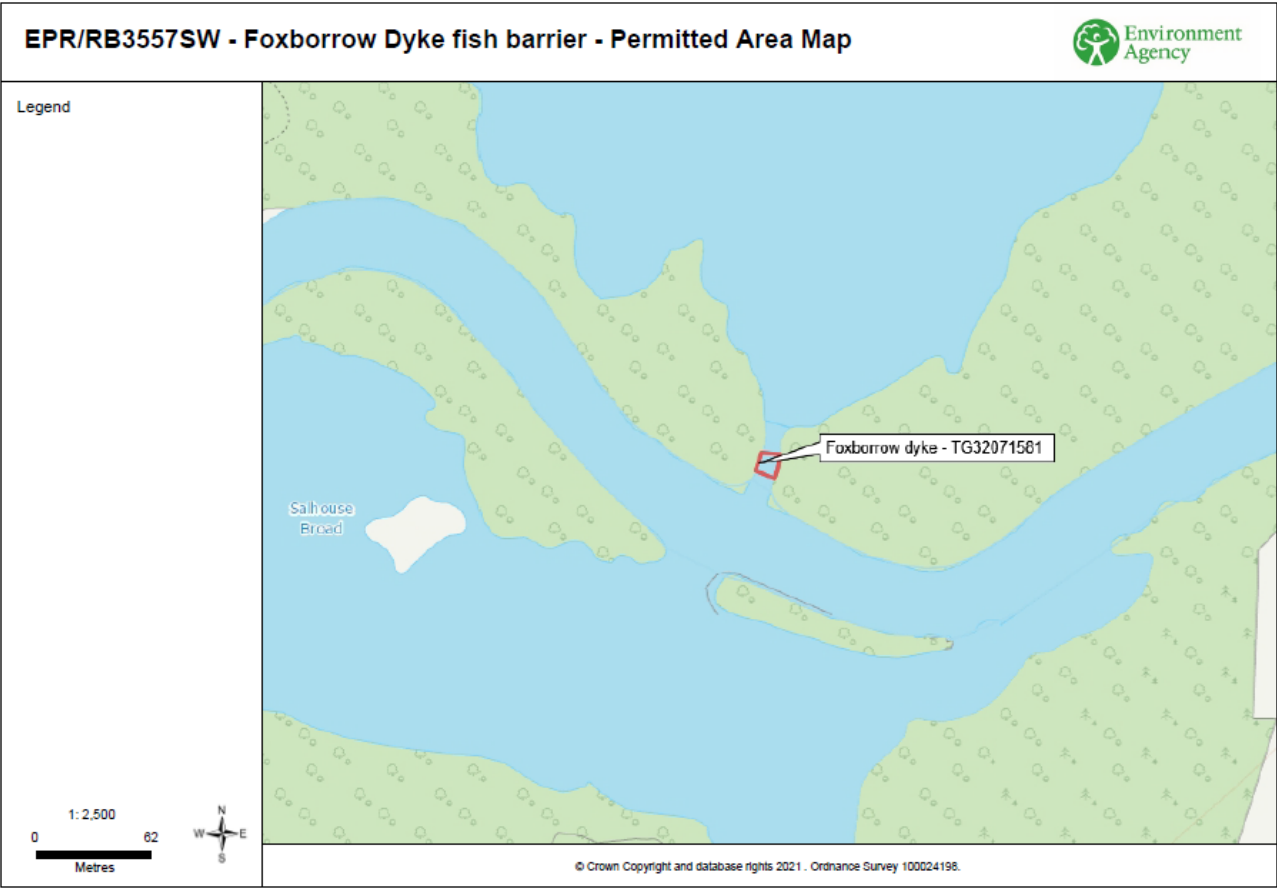
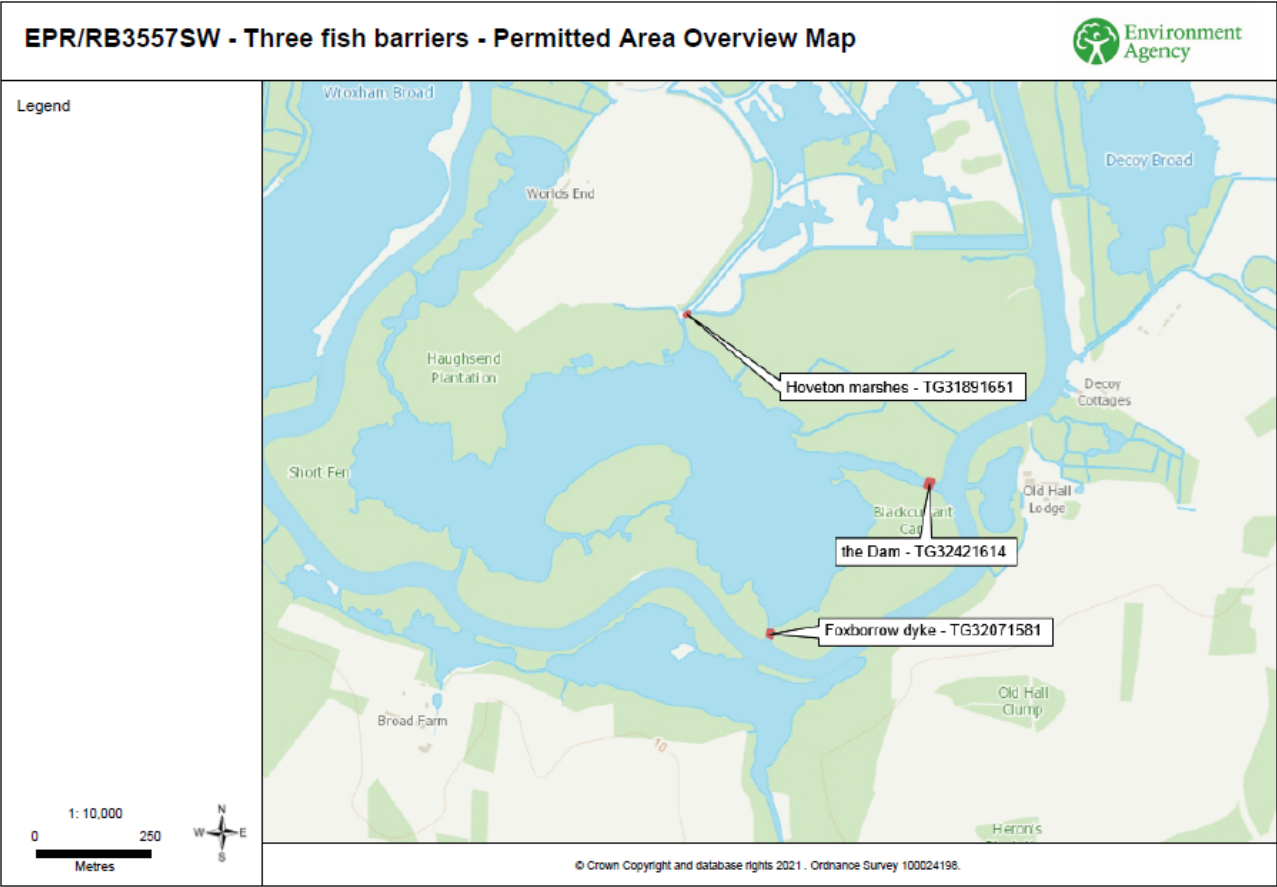
Table S1.1 activities		
Activity reference	Description of activities	Limits of activities
		<p>populations in the River Bure system, when required to in writing by the Environment Agency, the Operator shall open the gates in the three fish barriers to allow fish into Hoveton Great Broad and Hudsons Bay.</p> <p>(10) The works must not damage the bed or banks of the watercourse at the location of the three fish barrier structures (Foxborrow dyke, the Dam and Hoveton marshes).</p> <p>(11) Measures must be taken to ensure that no silt is mobilised into the watercourse at the locations of Foxborrow dyke, the Dam and Hoveton marshes as a result of implementing the permitted activities.</p>

Table S1.2 Operating techniques			
Requirement	Measures (if measures are specified)	Document reference	Date Received
Condition 2.3.1	Approved Method of Work	01533 Hoveton Great Broad Fish Barrier Outline Construction Methodology & 01533 Hoveton Fish Barrier Method statement Risk assessment	06/08/2021 & 06/08/2021

## Operation, maintenance and access

There are no operation, maintenance or access conditions under this schedule.

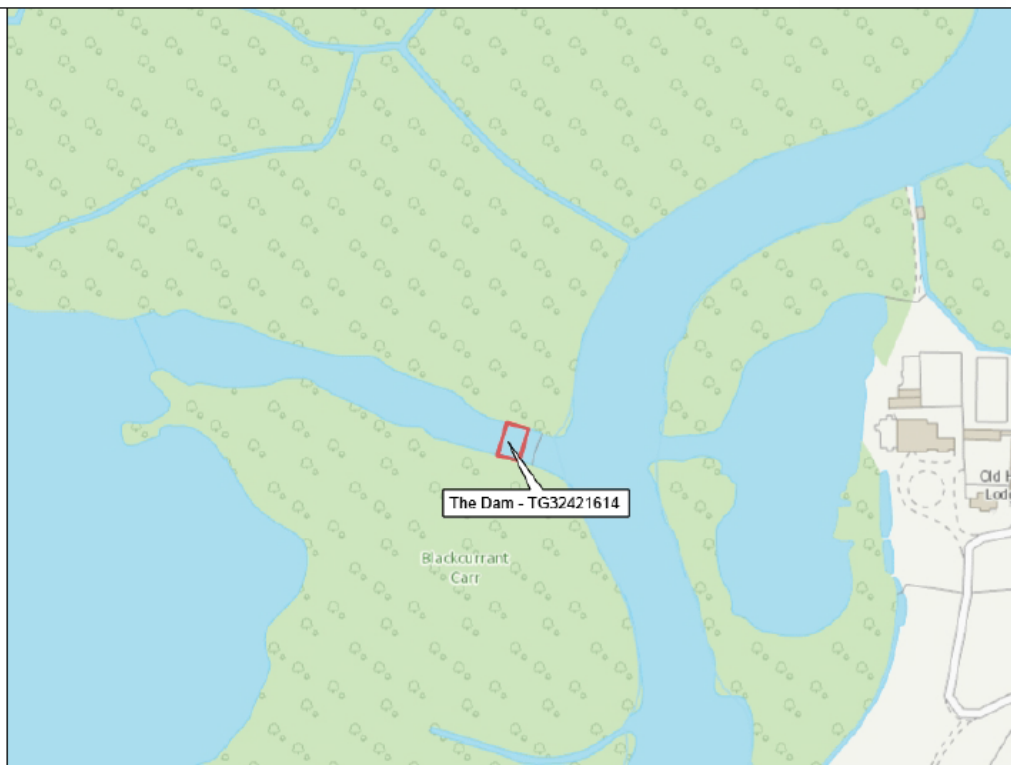
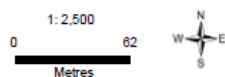
# Schedule 2 – Site Plan



## EPR/RB3557SW - The Dam fish barrier - Permitted Area Map



Legend

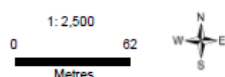


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## EPR/RB3557SW - Hoveton Marshes fish barrier - Permitted Area Map



Legend



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## Schedule 3 – Interpretation

“application” means the application for this permit, together with any additional information supplied by the operator as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

“authorised officer” means any person authorised by the Environment Agency under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in section 108(4) of that Act.

“EP Regulations” means The Environmental Permitting (England and Wales) Regulations SI 2016 No. 1154 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

“main river” means a watercourse or part of a watercourse designated as main river on the statutory main river map held by the Environment Agency.

“Method of Work” means a document forming part of the operator’s management system, setting out the working methods for carrying out the activity and what measures will be taken to avoid or minimise the risks of environmental effects.

“approved Method of Work” means the operator’s Method of Work approved by the Environment Agency

“commenced” or “commencement” means the carrying out in relation to the permitted activities any operation in the course of preparing construction works or ground preparation for installing the piles.

“works” means the works to implement the activities authorised by this permit

“designated nature conservation sites” means:

(a) a European site within the meaning of Regulation 8 of the Conservation of Habitats and Species Regulations 2017 ;

(b) a Ramsar site (a wetland of international importance, designated under the Ramsar Convention) within the meaning of section 37A of the Wildlife and Countryside Act 1981. It is government policy to treat Ramsar sites the same as the European sites referred to in (a); and

(c) a site of special scientific interest within the meaning of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

“environmental effects” means:

(a) flooding or risk of flooding;

(b) harm to the environment or risk of harm to the environment; and

(c) detrimental impact on drainage or risk of detrimental impact on drainage.

“environmental harm” means a result of human activity which may:

(a) cause harm to the conservation, protection and enhancement of any species and habitats designated under any enactment as having special protection or priority;

(b) prevent the achievement of environmental objectives within the meaning of the Water Framework Directive 2000/60/EC;

(c) cause pollution; or

(d) otherwise adversely affect the protection and enhancement of the environment.

END OF PERMIT