

“Hoveton Wetlands Restoration Project”

Partner Organisations



18th June 2021

Dear Mr Freeman,

REF EPR/RB3557SW

Schedule 5 request for more information

Further to your request dated 7th June 2021, please find our responses to assist with your determination of the application.

1. Updated WFD compliance assessment - WFD data reporting errors

The EA has informed NE of two errors in the EA's WFD data, which formed part of NE's '*Updated WFD compliance assessment*' submitted as part of the current FRAP application (EPR/RB3557SW).

Following correspondence with the EA's Julia Stansfield, Analysis and Reporting Team Leader, I understand the EA's correct WFD assessment of status for the tidal River Bure (Horstead Mill to St Benet's Abbey - GB105034050931) to be:

- Macrophytes – not assessed (erroneously described as 'moderate' in previous reporting)
- Phytobenthos – high (correctly described as 'high' in previous reporting)

As requested, we have considered whether these errors have any bearing on NE's '*Updated WFD compliance assessment*' submitted as part of the current FRAP application. **We can confirm that these errors do not change NE's assessment that “no deterioration in this element is to be expected because of the installation of fish barriers”.**

A full explanation of this conclusion is set out in the attached document, entitled "*Reassessment of 'Updated WFD compliance assessment' as per point 1 of Schedule 5 notice dated 7th June 2021 (Application number: EPR/RB3557SW)*". The author of this document is [REDACTED], NE's Senior Specialist – Standing Waters.

2. Clarification of proposed monthly water quality monitoring

The EA has asked for clarification of the text on page 1 of NE's '*HWRP Monitoring Plan addendum*', to distinguish between monitoring to be carried out by NE and monitoring to be carried out by EA.

The necessary clarification can be summarised as follows: "Currently monthly water sampling is conducted by the project at five sample points on both Hoveton Great Broad and Hudson's Bay. In addition, during the monthly sampling three water quality samples are collected by project staff at two locations – one in Hoveton Great Broad and one in Hudson's Bay. These samples are sent to Environment Agency laboratories for analysis."

Please find attached an updated version of the '*HWRP Monitoring Plan addendum*' containing this clarification.

Please note "HWRP Appendix 4 Monitoring Plan" is a document which forms part of planning application BA/2019/0343/COND and forms part of the agreed conditions and therefore is not subject to change.

3. Consultation Appendix of The Hoveton Project: Creating a Sustainable Future for the Bure System (Updated February 2021)

The EA has asked NE to supply the most up to date version of a document referred to as '*Consultation Appendix of The Hoveton Project: Creating a Sustainable Future for the Bure System (Updated February 2021)*'.

There is no document of this name.

There is, however, a document that is already in the possession of NE, EA and others called '***Appendix to Hoveton Project: Creating a sustainable future for the Bure system. Consultation comments on Hoveton Documentation***'. This document was created by NE on 4th December 2019, though it is itself undated. It has not been subsequently updated. We believe that this must be the document to which your Schedule 5 request refers, as there is no other document with a similar title.¹

By way of further explanation: you will recall that in the course of NE's 2020 FRAP application (ref EPR/NB/3494JP) NE relied on a document called '*The Hoveton Project: Creating a Sustainable Future for the Bure System*'. Following the release of that document to the EA, EA fisheries officers were invited to comment on it. NE then collated the resulting comments and inserted commentary of its own, thus creating the document called '*Appendix to Hoveton Project: Creating a sustainable future for the Bure system. Consultation comments on Hoveton Documentation*'. The purpose of this document was to set out the views of a number of individuals in a systematic way, so as to inform the EA's FRAP decision-making process at a meeting of EA Area Managers/Directors set to take place on 6th December 2019. It was at this meeting that EA took the decision to undertake public consultation on the FRAP application. The '*...Consultation comments...*' document was later included by NE as a formal part of the 2020 FRAP application.

There is no updated version of this document and NE does not include or rely on it as part of the current FRAP application. In our letters dated 11th December 2020, 8th January 2021 and 4th February 2021 we explained that the current application is a fresh, new and free-standing application and we are not asking for any previously submitted documents to be considered as part of this new application.

However, the principal document, '*The Hoveton Project: Creating a Sustainable Future*' **was** redrafted in February 2021 in light of new evidence and further data, and it can be taken as superseding the earlier document of that name. One of the redrafting changes was the removal of Section 7 which included the December 2019 '*...Consultation comments...*' document.

¹ The document can be found in its entirety at pages 432 to 460 of the Claimant's bundle of documents in the 2020 judicial review proceedings that led to the quashing of the 2020 FRAP. It is understood that it was disclosed by EA to the lawyers for the claimants in those proceedings, following an FoI/EIR request.

In conclusion:

- There is no document called '*Consultation Appendix of The Hoveton Project: Creating a Sustainable Future for the Bure System (Updated February 2021)*'.
- There is a 2019 document called '*Appendix to Hoveton Project: Creating a sustainable future for the Bure system. Consultation comments on Hoveton Documentation*', which you already have.
- There is no later version of this '*...Consultation comments...*' document and NE does not understand how the words "*(Updated February 2021)*" have come to be used in this context.
- NE's 2021 FRAP application relies on an updated version of the principal document '*The Hoveton Project: Creating a Sustainable Future for the Bure System*' which does not include the 2019 '*...Consultation comments ...*' document.

4. A public consultation response from Natural England refers to this additional document; Comments on EA Fisheries responses to meeting of Area Directors.

This is the same question/document as no. 3 above. The consultation response to which you refer was that of [REDACTED], Senior Reserves Manager, Bure Marshes NNR, (an NE officer). I have discussed this matter with [REDACTED], who tells me that in the course of the 2021 consultation he re-used the consultation response that he had produced for the 2020 consultation, not realising that NE's principal '*The Hoveton Project: Creating a Sustainable Future for the Bure System*' had been updated and no longer included the '*... Consultation comments...*'. The meeting of the Area Directors to which [REDACTED] refers was the one that took place on 6th December 2019.

Yours sincerely

[REDACTED]

[REDACTED]
Project Science Officer