

# Permit with introductory note

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

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<b>Operator Name</b>	Natural England
<b>Activity &amp; location description</b>	Installation of three temporary fish barriers at the entrances to Hoveton Great Broad by piling wooden supports and attaching the mesh barriers at Foxborrow dyke, the Dam, Hoveton marshes between Hoveton Great Broad and the main river Bure.
<b>National Grid Reference[s]:</b>	TG 3207 1581 (Foxborrow dyke), TG 3242 1614 (the Dam) & TG31891651 (Hoveton marshes)
<b>Permit number</b>	
EPR/NB3494JP	

# 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 wooden 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, 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	25/11/2019	Application for three temporary fish exclusion barriers across the entrances to Hoveton Great Broad
Application EPR/NB3494JP Duly made	02/12/2019	Application is duly made
Permit application determined as High Public Interest	13/12/2019	We assessed this permit application as being High Public Interest
Public consultation started	20/01/2020	Web based public consultation open to the public
Public consultation finished	17/02/2020	Web based public consultation closed to the public
Schedule 5 Notice (1) Requesting more information	28/02/2020	Notice request for more information from the operator on the Hydraulic flood risk modelling used in the Flood Risk Assessment (FRA) for the scheme
Schedule 5 Notice (2) Requesting more information	13/03/2020	Notice request for more information from the operator on Alternative options, Water Framework Directive (WFD) Assessment, eel pass design, ecological surveys for water vole and otters
Additional information received in regards to Schedule 5 Notice (1)	18/03/2020	Additional hydraulic modelling information provided by the operator
Additional information received in regards to Schedule 5 Notice (2)	03/04/2020	Additional information provided by the operator on Alternative options, Water Framework Directive (WFD) Assessment, eel pass design, ecological surveys for water vole and otters
First permit extension request granted	30/04/2020	Permit determination deadline extended from the 7 May 2020 to 8 June 2020, as agreed with the operator
Second permit extension request granted	04/06/2020	Permit determination deadline extended from the 8 June 2020 to 15 July 2020, as agreed with the operator
Third permit extension request granted	15/07/2020	Permit determination deadline extended from the 15 July 2020 to 22 July 2020, as agreed with the operator
Fourth permit extension request granted	21/07/2020	Permit determination deadline extended from the 22 July 2020 to 27 July 2020, as agreed with the operator
Permit determined EPR/NB3494JP	23/07/2020	Permit issued to Natural England

End of introductory note

# Permit

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

### Permit number

EPR/NB3494JP

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 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 wooden 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, 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
 <b>Simon Hawkins</b> <b>Area Director</b> <b>East Anglia Area</b>	<b>23/07/2020</b>

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

### 2.3 Operating techniques

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 Environment Agency shall be notified no more 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 wooden 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 form (Part A, B10 &amp; F3).</li> <li>2. Structures location map (referenced: Biomanipulation Barriers and dated: 5/11/2018)</li> <li>3. Design drawing showing the schematic plan of proposed fish barrier structure at 'Hoveton Marshes' location (referenced: 02595 - 001_P03 and dated: 13/11/2019)</li> <li>4. Design drawing showing the schematic plan of proposed fish barrier structure at 'The Dam' location (referenced: 02595 - 002_P03 and dated: 13/11/2019)</li> <li>5. Design drawing showing the schematic plan of proposed fish barrier structure at 'Foxborrow Dyke' location (referenced: 02595 - 003_P03 and dated: 13/11/2019)</li> <li>6. Environmental Statement - Volume I (referenced: Environmental Statement Volume I: Environmental Statement and dated: 07/07/2014)</li> <li>7. Environmental Statement - Volume III Appendices (referenced: Environmental Statement Volume III: Appendices and dated: 07/07/2014)</li> <li>8. Environmental Statement - Volume IV (referenced: Environmental Statement Volume IV: Non-Technical Summary and dated: 07/07/2014)</li> <li>9. Hydraulic modelling report (referenced: Hoveton Great Broad Restoration, Modelling Report – Revision 1.0 and dated: April 2019)</li> <li>10. Hydraulic model files (emails referenced: Hoveton Broad model files &amp; Hoveton Responses and Dated 14/01/2020 at 14:18 &amp; 18/03/2020 at 16:19)</li> <li>11. WFD Assessment (referenced: Hoveton Wetlands Restoration WFD compliance Assessment and dated: June 2014)</li> <li>12. WFD Assessment Addendum (referenced: Addendum to Hoveton Wetlands Restoration Project Water Framework Assessment and dated: January 2020)</li> <li>13. Updated WFD Assessment (referenced: Updated Hoveton Wetlands Restoration WFD compliance Assessment and dated: March 2020)</li> <li>14. Natural England Response to Schedule 5 Notice Request for more information on Alternative options (referenced: Hoveton Great Broad Restoration Project – alternative options considered and dated: 13/03/2020)</li> <li>15. Natural England project consultation appendix with the Environment Agency in email (referenced: responses to consultations and Dated: 04/12/2019 at 18:19)</li> <li>16. Natural England's evidence on Hoveton Great Broad fishery (referenced: Hoveton Project: creating a sustainable future for the Bure system (002) and Dated: 25/11/2020)</li> <li>17. Annex 1 of Natural England's evidence on Hoveton Great Broad fishery (referenced: Annex 1 - Fish assemblages in the Broads (002) and Dated: 25/11/2020)</li> </ol>

Table S1.1 activities		
Activity reference	Description of activities	Limits of activities
		<p>18. Annex 3 of Natural England's evidence on Hoveton Great Broad fishery (referenced: Annex 3 – Macrophyte recovery in HGB post biomanipulation (002) and Dated: 25/11/2020)</p> <p>Conditions:</p> <ol style="list-style-type: none"> <li>(1) The activity shall be commenced within 3 years of the date of this permit and structures installed within 3 months of commencement.</li> <li>(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 it becoming no longer required in connection with the activity or removed after 10 years from the date of the commencement of the works.</li> <li>(3) The installation of all the works must take place between September and February inclusive to ensure no impact on designated features.</li> <li>(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.</li> <li>(5) The activity shall not be commenced until the 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.</li> <li>(6) The permitted activities shall not be commenced unless and until a Monitoring and Mitigation Plan has 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 Plan.</li> <li>(7) The permitted activities shall not be commenced unless and until a Fisheries Improvement Programme has 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 Fisheries Improvement Programme.</li> <li>(8) If the Environment Agency determines that the exclusion of fish from Hoveton Great Broad and Hudsons Bay is causing environmental harm to the fish 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.</li> <li>(9) The works do not damage the bed or banks of the watercourse at the location of the three fish barrier</li> </ol>



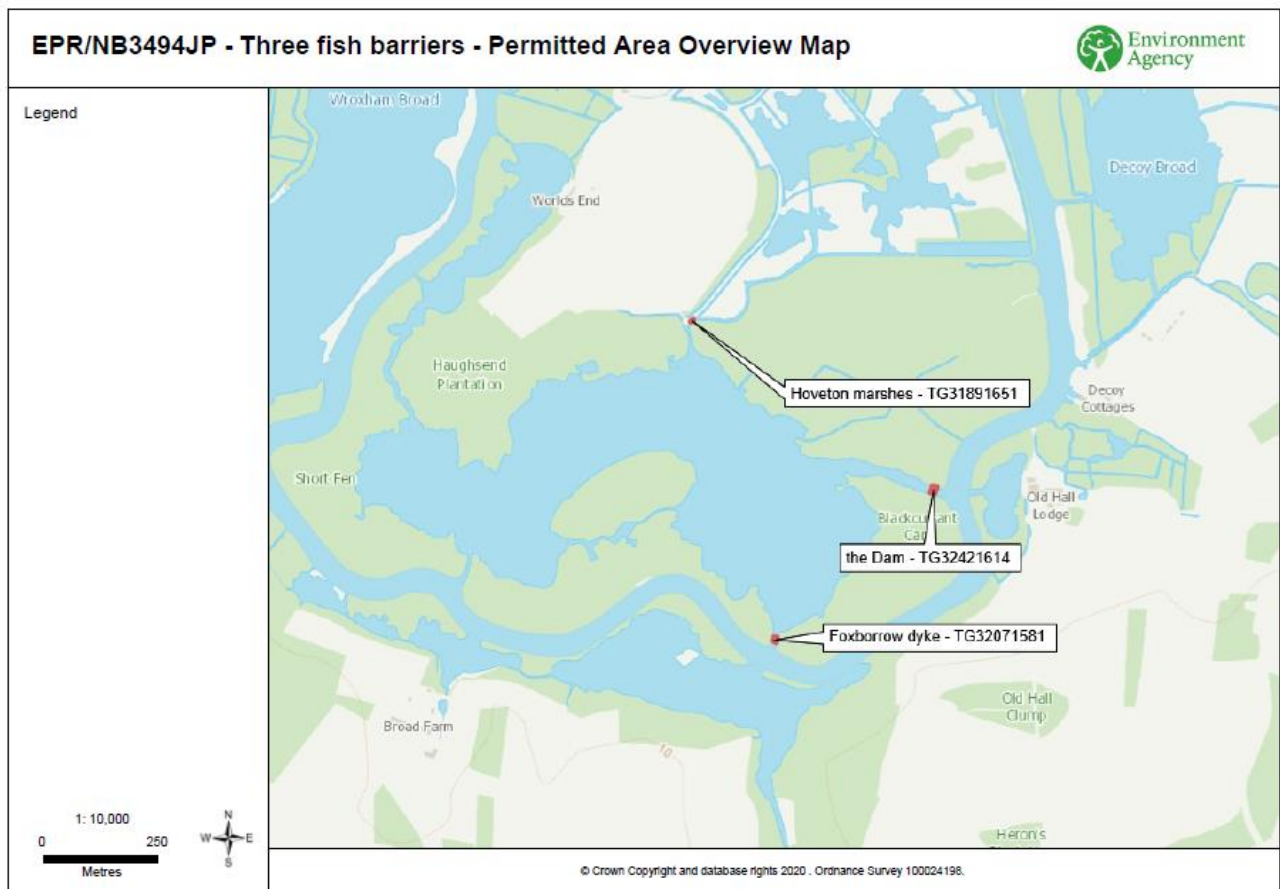
<b>Table S1.1 activities</b>		
<b>Activity reference</b>	<b>Description of activities</b>	<b>Limits of activities</b>
		structures (Foxborrow dyke, the Dam and Hoveton marshes). (10) Measures must be taken to ensure that no silt is mobilised into the watercourse at the locations of Foxborrow dyke, the Dam and Hoveton marshes from implementing the permitted activities

<b>Table S1.2 Operating techniques</b>			
<b>Requirement</b>	<b>Measures (if measures are specified)</b>	<b>Document reference</b>	<b>Date Received</b>
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	25/11/2019 & 25/11/2019

## **Operation, maintenance and access**

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

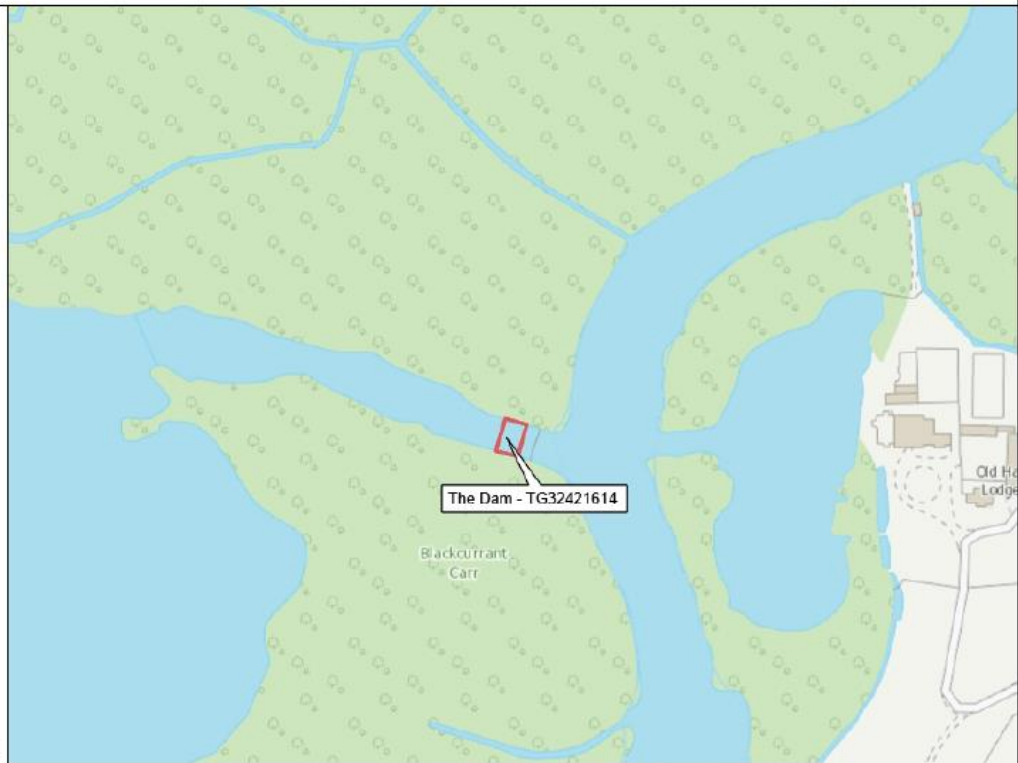
# Schedule 2 – Site Plan



### EPR/NB3494JP - The Dam fish barrier - Permitted Area Map



Legend



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### EPR/NB3494JP - 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