

**Water Resources
LICENCE TO**

IMPOUND

WATER

Environment Act 1995
Water Resources Act 1991 as amended by
the Water Act 2003
Water Resources (Abstraction and
Impounding) Regulations 2006

IMPORTANT NOTES

Need for safekeeping

This licence is an important document. The permission or right to impound water may be valuable to your landholding. So -

- Keep the licence safe, preferably with your deeds etc.
- Read these notes and the licence conditions carefully to ensure you have a full understanding of its meaning.

This is to ensure that the permission and any rights granted by the licence continue if you need to pass it on to someone else.

The impounding works may also be conditional on, or otherwise involve, you entering into a related agreement with the Environment Agency. This may be registered and will bind you and any change in owner of your land. This licence and any such Agreement should therefore be disclosed on any change of title or occupation.

If you want to:

- **revoke (cancel) the licence;**
- **[notify us of the death or bankruptcy of the licence holder;](#)**
- **[vary \(change/amend\) the licence in any way](#)**
- **[change the owner of the licence](#) or**
- **[change your contact address \(but you continue to hold the licence\).](#)**

You can find our forms on [.GOV.UK](#) or alternatively contact us for advice on how to make any changes by calling our National Customer Centre on 03708 506 506

Scope of this licence

This licence has effect only for the purposes of Part II of the Water Resources Act 1991 as amended by the Water Act 2003. In granting this licence, and in considering any drawings submitted, you should assume that the Environment Agency has taken into account only considerations relevant to the conservation and proper use of water resources in the area. Grant of this licence does not imply that the Environment Agency has approved the details of construction of the impounding works, including whether the proposed construction is adequate or safe. The licence holder is entirely responsible for ensuring compliance with all other requirements. Grant of this licence does not in any way suggest that these have been fulfilled.

Changes to the impounding works or revocation of this licence

If you want to alter the impounding works and/or the way you operate them, you will need to vary the terms of the licence (and, if applicable, any related agreement). If you want to revoke this licence, you may be required to satisfy certain conditions that the Environment Agency may specify for the removal of the works.

Contact us for advice if you want to vary or revoke this licence by calling our National Customer Centre on 03708 506 506.

Transfer of this licence

If you need to pass this licence to someone else, you must contact the Environment Agency and obtain the appropriate application forms. The licence holder remains responsible for compliance with the terms of the licence until it has been transferred.

Death or bankruptcy of the licence holder

'Vesting' is the transfer of responsibility and ownership of a licence when an existing licence holder is no longer able to hold the licence either through death or bankruptcy.

If a licence has been 'vested' in you, as a result of the death or bankruptcy of the licence holder, please contact the Environment Agency in writing, telling us the licence number(s) and the date that the licence vested in you as a personal representative or trustee of the licence holder. This is necessary in order to enable you to subsequently transfer the licence.

You must notify us in writing within **15 months** of the date of vesting, being either death or bankruptcy of the licence holder giving the full names of all personal representatives or trustees and a contact address

Other requirements for impoundments

Depending on circumstances, you may also have to comply with other legal requirements, i.e. apart from obtaining this licence, before carrying out or operating the impoundment. These may include:

- obtaining a [flood risk activities: environmental permit](#) (relating to structures on main rivers);
- obtaining consent under section 23 Land Drainage Act 1991 from the relevant internal drainage board or lead flood authority (relating to obstructions in watercourses);

- obtaining planning permission from your local [planning authority](#);
- complying with requirements of the Reservoirs Act 1975 (in relation to safety of larger raised reservoirs). The Environment Agency became the regulatory body on 1 October 2004;
- obtaining consent from the owner of the other bank of the watercourse to the proposed impoundment;

- not contravening pollution control provisions of the Water Resources Act 1991, particularly in relation to allowing matter to be carried away in suspension when sluices etc. are opened;
- complying with the provisions of the Salmon and Freshwater Fisheries Act 1975 relating to the passage of fish.

Some of these matters are under the control of the Environment Agency, but for administrative and legal reasons are kept separate from the issue of this licence. If you require information or assistance about them, contact the Environment Agency, and you will be directed to the right person to help you.

For advice about planning permission contact your local planning authority.

Offences

This impounding licence authorises you, the licence holder, to obstruct or impede the flow of a specified inland water at a specified point by means of impounding works.

"Impounding works" means either, any dam, weir or other works by which water may be impounded; or, any works for diverting the flow of waters in connection with the construction or alteration of such dam, weir or other works.

Under the Water Resources Act 1991 it is an offence to construct or alter, or cause or permit any other person to construct or alter, any impounding works in inland waters or cause or permit the flow of any inland waters to be impeded or obstructed at any point by means of impounding works unless:

- an impounding licence is in force;
- the flow of the inland waters is not obstructed or impeded except to the extent and in the manner authorised by a licence;
- any other requirements of the licence, whether as to provision of compensation water or otherwise, are complied with.

It may be an offence not to comply with the other legal requirements mentioned above. For details, check with the Environment Agency or the authority concerned.

Right of appeal

If you are dissatisfied with our decision on your licence application, you have the right to appeal against our decision.

You should write to the Secretary of State for the Environment, Food and Rural Affairs, care of The Planning Inspectorate at:

Environment Appeals
The Planning Inspectorate
3A Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Alternatively you can obtain an online appeal form at:

<https://www.gov.uk/government/publications/water-abstraction-and-impoundment-appeal-form>

You must serve notice of appeal within 28 days of the date of receipt of this licence (although the Secretary of State has power to allow a longer period for serving notice of appeal). See [Water Resources Act 1991, section 43](#)

Disclosure of Information

Details of this licence are placed on a register, kept by the Environment Agency and open for inspection by the public. The public may also obtain further details about it by virtue of the Environmental Information Regulations 2004, except in special cases (for advice please contact us at the address shown on the front page of the licence).

Members of the public are also entitled to ask us for other "environmental information" we hold, including any activities likely to affect "the state of any water" or any "activities or other measures designed to protect it". That would include the information additional to the licence document e.g. any related Agreement. In certain restricted circumstances it is possible to claim that information should be kept confidential. If you require more information about keeping this information off the public register because it is confidential, please contact us by writing to the address shown on the front page of the licence within 28 days of receiving this licence.

Licence Serial No:

NE/027/0003/015

Please quote the serial number in all correspondence about this licence



LICENCE TO IMPOUND WATER

The Secretary of State for the Environment, Food and Rural Affairs is hereby deemed to grant a licence to:-

Environment Agency ("the licence holder")
Horizon House
Deanery Road
Bristol
BS1 5AH

This licence authorises the licence holder to obstruct or impede the flow of the inland water described in the schedule of conditions (to extent and manner authorised by those conditions) to this licence and subject to the provisions of that Schedule.

The licence commences from the effective date shown below.

Signed..... **Date of issue** <day/month/year>

<insert name> **Date effective** <day/month/year>

Deputy Director of Water Resources

Horizon House
Deanery Road
Bristol
BS1 5AH

This licence should be kept safe and its existence disclosed on any sale of the land and the impounding works to which it relates.

Note: References to "the map" are to the map which forms part of this licence.
References to "the Agency" are to the Environment Agency or any successor body.

Environment Act 1995
Water Resources Act 1991 as amended by the Water Act 2003
Water Resources (Abstraction and Impounding) Regulations 2006

SCHEDULE OF CONDITIONS

1. NAME AND/OR DESCRIPTION OF INLAND WATER TO BE IMPOUNDED

- 1.1 Inland water known as the River Rother at Meadowgate Regulator gate, near Sheffield, Yorkshire.

2. POINT OF IMPOUNDMENT

- 2.1 Between National Grid References SK 45432 82777 and SK 45444 82781 marked 'A' and 'B' on the map.

3. MANNER AND EXTENT OF IMPOUNDMENT

- 3.1 The Licence Holder shall undertake modifications to the existing regulator gate structure known as Meadowgate to install a replacement vertical lift regulator gate and a fish pass, with an upper centre crest set at 34.69 metres Above Ordnance Datum (mAOD) (Newlyn) on the River Rother.
- 3.2 The Licence Holder shall construct, operate and maintain the impounding works in accordance with the drawings number IMNE790514-JBAB-ZZ-4_03-DR-C-YYYY titled '*New Regulator Gate Arrangement*' Rev P01 dated 05/01/22; and number IMNE790514-JBAB-SF-03-DR-C-1700 titled '*Meadowgate Fish Pass General Arrangement*' Rev C02.1 dated 12.07.23 and number IMNE790514-JBAB-SF-03-DR-C-1851 titled '*Meadowgate Fish Pass Cross Sections*' Rev C02.1 dated 11.07.23 and number IMNE790514-JBAB-SF-03-DR-C-1850 titled '*Meadowgate Fish Pass Long Sections*' Rev C02.1 dated 11.07.23 submitted to and approved by the Agency on 17 July 2024, copies of which are appended to this licence document, or such minor amendments to those documents that are accepted in writing by the Agency prior to the date of commencement of operation of the scheme.

4. FURTHER CONDITIONS

- 4.1 (i) No water shall pass through the impoundment specified in Condition 3.1 until the Licence Holder has been granted approval by the Agency for installation of a fish pass.
- (ii) The Licence Holder shall maintain, repair or replace the fish pass and ensure that it remains free of obstruction in order that it is effective at all times.
- (iii) The Licence Holder shall keep records of maintenance, repair or replacement of the fish pass for 6 years and shall make them available during all reasonable hours for inspection by the Agency.
- 4.2 The Licence Holder shall notify the Agency in writing 14 calendar days inclusive before the commencement of construction of the works.
- 4.3 The Licence Holder shall notify the Agency in writing no later than 14 calendar days after the completion of the works authorised by this licence.

- 4.4 The Licence Holder shall submit with the notice specified in condition 4.2 above a detailed Method Statement regarding the construction of the works specified in condition 3.1. The Licence Holder shall not commence these works until the Agency has approved the Method Statement in writing. The Licence Holder shall undertake the works in accordance with the approved Method Statement, or in accordance with such minor variations to it that the Agency may approve in writing.
- 4.5 The Licence Holder shall ensure that during construction and any subsequent maintenance of the works authorised by this licence that the flow in the River Rother is allowed to pass downstream unchanged in quantity and quality at all times.
- 4.6 The Licence Holder shall provide written confirmation (including drawing/s that clearly detail and show the impoundment works as it has been built) to the Agency from an independent qualified civil engineer, or other independent suitably qualified person, that the impoundment works has been constructed in accordance with the submitted specification and drawings specified in Condition 3.2 of this licence (or such minor amendments to these documents that have been accepted in writing by the Agency).
- 4.7 The Licence Holder shall maintain such impounding works to prevent leakage and to be free from obstruction, both upstream and downstream, at all times and remain effective at all times.
- 4.8 This licence shall cease to be of any effect if the impounding works authorised by it have not commenced by <<date three years from date of issue.>>

ADDITIONAL INFORMATION

Note: the following is provided for information only. It does not form part of the licence.

REASONS FOR CONDITIONS

To enable the Agency to carry out its functions under the Water Resources Act 1991 as amended.

The licence includes a self-destruct condition (Condition 4.8) in order that the licence will cease to be in force if the impoundment works do not take place.

IMPORTANT NOTES

Contact details

For the purpose of condition 4.2, 4.3 and 4.6 the Licence Holder should contact the Environment Agency, Land & Water team by email sent to Don.Rother@environment-agency.gov.uk including the licence number in any correspondence.



0 500
Metres

MAP ACCOMPANYING LICENCE NUMBER

NE/027/0003/015

Scale 1 : 10,000



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**Would you like to find out more about us,
or about your environment?**

Then call us on

03708 506 506 (Mon-Fri 8-6)

email

enquiries@environment-agency.gov.uk

or visit our website

**[www.gov.uk/environment-
agency](http://www.gov.uk/environment-agency)**

Incident hotline 0800 80 70 60 (24hrs)

Floodline 0345 988 1188



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Determination Report

Report under the Water Resources Act 1991 (as amended) and the Environment Act 1995 of an application for two new impoundment licences NE/027/0003/015 (Meadowgate) and NE/027/0003/014 (Canklow).

Executive Summary

The Secretary of State for the Environment, Food and Rural Affairs is deemed to have granted this application in accordance with section 64 of the Water Resources Act 1991.

In determining this application, the Environment Agency has exercised its duties and powers under the Water Resources Act 1991 (as amended) and the Environment Act 1995.

1. Summary of the proposal

The Environment Agency has applied for two new impoundment licences on the River Rother, east of Sheffield, Yorkshire, to authorise the replacement of the bottom hinged, fish belly tilting gate, operated by a single electrically powered hydraulic ram, with a vertical lift gate at Meadowgate and replacement of the single, electrically powered vertical lift sluice gate spanning the river at Canklow both of which are currently unlicensed.

These gates are known as regulators and the Meadowgate and Canklow Regulators are two of three regulators on the River Rother, referred to as the Don Regulators.

The works at Meadowgate and Canklow aim to design and install replacement regulators.

For both sites the outlined works will replace the old regulator currently in-situ on the River Rother and impound the same volume of water. The purpose of the works is to reduce the risk of flooding to settlements within the Don catchments by attenuating flows. The works will support the schemes being safely and reliably operated for another 25 years.

The three Don regulators will only be used to attenuate the flow of water into the River Don. They will be used in synchronisation.

Canklow

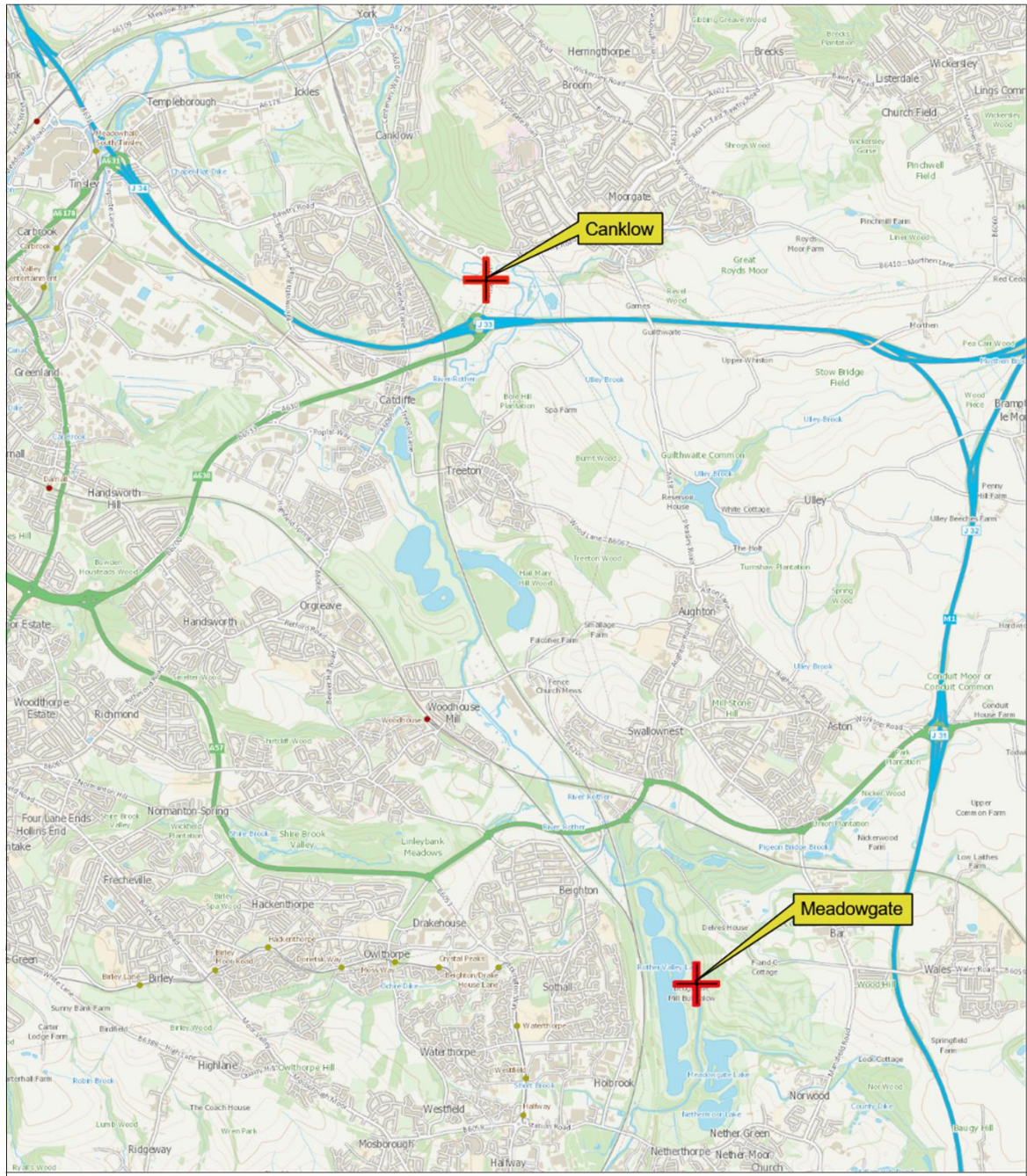
The works at Canklow will be a like for like replacement of the old regulator currently in-situ on the River Rother.

Meadowgate

The works at Meadowgate consist of constructing a new vertical regulator gate and associated control equipment, construction of permanent control equipment and associated compound, crane pad to assist future gate maintenance and a new fish pass.

Meadowgate requires a fish pass as the old gate being replaced creates a weir with a step down into the channel due to the type of gate structure which is hinged at the base of the wing walls and lies flat in the riverbed when in normal resting position. Meadowgate therefore requires a fish pass (under Freshwater and Salmon Fisheries Act). The fish pass will consist of a concrete apron which is designed to mimic a rock slope and provide passage for all species of interest (including eel).

Construction of the fish pass is already being undertaken at Meadowgate.



Map showing locations of Meadowgate regulator gate and Canklow regulator gate



The existing Canklow regulator gate



The existing Meadowgate regulator gate

1.1. Departures from application forms

None.

1.2. Details of proposal

Administrative details	
New licence number	Canklow - NE/027/0003/014 Meadowgate - NE/027/0003/015
Existing licence number	N/A
Application reference number	Canklow - NPS/WR/041112 Meadowgate - NPS/WR/041113
Applicant name and address	Environment Agency Horizon House Deanery Road Bristol BS1 5AH
Application contact details	Tim Cobb tim.cobb@environment-agency.gov.uk Jane Crossley Jane.Crossley@jbaconsulting.com
Hydrometric catchment	Rother Yorks C027001C
Agency Area	Yorkshire
Administratively complete date	26 March 2024
Relevant date	9 July 2024
Determination date	No statutory determination date for Environment Agency applications.
Agreed extended determination date	N/A
Applicant entitled to apply	Yes

Administrative details	
Supplementary reports	<p>The following supplementary reports/drawings were submitted:</p> <p><u>Drawings/maps:</u></p> <p>Meadowgate Regulator Gate arrangement</p> <p>Meadowgate Fish Pass Cross Sections</p> <p>Meadowgate Fish Pass Long Sections</p> <p>Meadowgate Fish Pass General Arrangements</p> <p>Meadowgate Plan Drawing Regulators & Flow Gauges</p> <p>Canklow Section</p> <p><u>Reports:</u></p> <p>River Regulators Duty Officer Guidance</p> <p>Construction Method Statement</p> <p><u>Other</u></p> <p>FP002 Meadowgate Fish Pass Application Form</p>

Canklow - NE/027/0003/014

Impoundment details	
Name and/or description of inland water to be impounded	River Rother
Point of impoundment	Between SK 43409 89723 and SK 43411 89706
Manner and extent of impoundment	The Licence Holder shall undertake modifications to the existing regulator gate structure known as Canklow to install a replacement single, electrically powered vertical lift regulator gate spanning the river Rother.
Further conditions	<ul style="list-style-type: none"> • Construction Method Statement • Notification prior to and post construction • Maintaining downstream quantity and quality of flow during construction • Engineers Report and as built drawings to confirm constructed as authorised • Maintain structure to prevent leakage and be free of obstruction at all times • Self-destruction of licence if not built in 3 years

Impoundment details	
Other details	Agency contact details for notifications and reports etc. required above.

Meadowgate - NE/027/0003/015

Impoundment details	
Name and/or description of inland water to be impounded	River Rother
Point of impoundment	Between SK 45432 82777 and SK 45444 82781
Manner and extent of impoundment	The Licence Holder shall undertake modifications to the existing regulator gate structure known as Meadowgate to install a replacement vertical lift regulator gate and a fish pass at 34.69 metres Above Ordnance Datum (mAOD) (Newlyn) on the river Rother.
Further conditions	<ul style="list-style-type: none"> • Approved fish pass (including maintenance of) • Construction Method Statement • Notification prior to and post construction • Maintaining downstream quantity and quality of flow during construction • Engineers Report and as built drawings to confirm constructed as authorised • Maintain structure to prevent leakage and be free of obstruction at all times • Self-destruction of licence if not built in 3 years
Other details	Agency contact details for notifications and reports etc. required above.

2. Case history

Nothing of relevance to document.

3. Justification of requirements

The Environment Agency has a statutory duty to continue to maintain and operate its assets on the River Rother.

The Don Regulators comprise three strategically important regulator gates on the River Rother that are owned, operated and maintained by the Environment

Agency. The purpose of the regulators is to reduce the risk of flooding to settlements within the Don catchment, by attenuating flows in the River Rother.

The impoundment licence proposals are non-consumptive. The existing regulator gates will be replaced with new gates with no change to the volume of water flowing through the sites with the exception of storm flood flows one per cent of the time when flow is attenuated to reduce the risk of flooding further downstream.

At Canklow, to improve resilience and the operation and maintenance of the asset, a new guillotine gate and associated civils infrastructure is required. The Canklow Regulator is usually the first of the three gates to operate and is activated when trigger levels are reached elsewhere within the catchment. Operating the regulators on the Rother during a significant flood event allows the flood peak on the river to be delayed until the peak on the River Don has passed Rotherham and prevents flooding from the Don. Lowering the gate at Canklow can hold back over 1.5 million cubic metres of flood water across seven washlands.

The Meadowgate Regulator is located within the Rother Valley Country Park. As per Canklow, the new gate at Meadowgate will be a top-down vertical control gate improving resilience of the structure. When the new gate is lowered, water levels in the Rother rise and begin to spill into the washlands that are located within the Rother Valley Country Park, which can retain approximately 1.5 million cubic metres.

The absence of these regulator gates or failure of the gates could result in increased flood risk and the loss of the control of upstream water levels. Increased flood risk would affect hundreds of residential and commercial properties and many roads.

On this basis, it is confirmed that the application is justified and that the Agency is the appropriate body to hold the licence.

3.1. Water efficiency

The aim of the proposal is to continue to manage storm flood flows through the structures by attenuating the highest flows to reduce the risk of flooding to settlements within the Don catchment. The Regulators are only used for large events, when ground conditions in the Don catchment are very wet in combination

with a named storm or series of named storms. And even then, the Regulators on the River Rother may not be used if there is a limited response on the River Rother itself. Therefore, the impoundment is only in place during the highest flows (Q1) or one per cent of the time, or to put it another way, the impoundments are not in place 99% of the time. The efficient use of water in this case is more the effective attenuation of flow during these events.

4. Advertising

Application was advertised	
Date when advertised	
Name of newspaper	
Representations were received and these are addressed in section 4.1. <i><or></i> No representations were received.	

As the application was advertised, Statutory Notification was served to:

Statutory Bodies	Date
Internal Drainage Board (IDB)	N/A
Navigation Authority (NA)	N/A
Harbour Authority (HA)	N/A
Conservancy Authority (CA)	N/A
Statutory Water Undertaker (SWU)	
Severn Trent Water	

4.1. Representations and decision document

<Choose between the below options and/or edit as needed.>

<No representations were received as the application was not advertised.>

< <<X>> representations were received and no decision statement is required.>

<No representations were received and no decision statement is required.>

<More than 10 representations were received so a decision statement has been published to Gov.uk website on <<date>>.>

<As a result of refusing this application a decision statement has been placed on Gov.uk website on <<date>>. >

5. External consultation

In accordance with our obligations, we have consulted the following bodies about the proposal:

Statutory Consultee	Date
National Park Authority (NPA)	N/A
Natural England (NE)	
NE have been sent a Habitats Regulations Assessment Stage 1 (HRA 1) For Information Only and an Appendix 3 was included with this submission and also filed for audit. Please see section 6.6 for further information.	
Broads Authority (Anglian areas only)	N/A
Others, where relevant, e.g. IDB, Historic England, Local Authority	N/A

6. Technical assessment of the proposal

Licensing Strategy:

The Meadowgate impoundment point is within the Lower Rother, AP4.

No assessment point assigned for the Canklow impoundment.

Both impoundments are within the Don & Rother Abstraction Licensing Strategy (ALS).

The water availability is as follows:

Q Percentile	Water Resources availability colour	Water resource status
Q30	Red	Restricted
Q50	Red	Restricted
Q70	Red	Restricted
Q95	Red	Restricted

Therefore, water is available less than 30% of the time for consumptive abstraction.

This proposal is non-consumptive with no abstraction and is for an impoundment to reduce the risk of flooding further downstream.

Water Framework Directive (WFD) status information

The proposal will be assessed against the WFD status throughout sections 6.2 to 6.7 below.

These are surface water impoundments that are within surface waterbody Rother, Doe Lea to Don GB104027057772 which is classed as a Heavily Modified water body.

Consideration	Status		
	Cycle 3 baseline status (2019)	Cycle 3 current status (2022)	Cycle 3 Objective
Overall WB status	Moderate	Not assessed	Moderate by 2015
Ecological potential	Moderate (Very Certain)	Moderate (Very Certain)	Moderate by 2015
Fish	Good	Good	Good by 2015
Invertebrates	Moderate (Very Certain)	Moderate (Very Certain)	Moderate by 2021
Hydrological regime	Sup Good	Sup Good	Sup Good by 2015
Mitigation measures	Mod/less (Uncertain)	Mod/less (Uncertain)	Good by TBC
Physico-chemical	Moderate (Very Certain)	Moderate (Very Certain)	Moderate by 2015

Consideration	Status		
	Cycle 3 baseline status (2019)	Cycle 3 current status (2022)	Cycle 3 Objective
Chemical	Fail	Does Not Require Assessment	Good by 2063

Reasons For Not Achieving Good (RFNAG)

Ecological Potential.

Biological quality elements:

Invertebrates

- ammonia point source from sewage discharge confirmed intermittent and probably continuous from water industry/waste water treatment.
- morphology probably from physical modification from urbanisation/urban development.

Physico-chemical quality elements:

Phosphate - Poor (Very Certain)

- confirmed continuous sewage discharge from water industry/waste water treatment.
- suspected diffuse source from poor nutrient management related to the agriculture sector.

Supporting elements (Surface Water):

Mitigation measures – no reasons for failure listed.

We have considered the WFD status of the affected waterbody and concluded these proposed impoundments do not compromise the achievement of the objectives for the waterbody.

6.1. Designated and protected conservation sites and species

Nearest conservation sites		
Designation type	Name of feature	Distance and direction
Special Areas of Conservation (SACs)	Humber Estuary	45 – 49 kilometres downstream
Ramsar sites	Humber Estuary	45 – 49 kilometres downstream
Special Protection Areas (SPAs)	Humber Estuary	45 – 49 kilometres downstream
Sites of Special Scientific Interest (SSSIs)	Humber Estuary	45 – 49 kilometres downstream
Local Nature Reserves (LNRs)	Woodhouse Washlands	2.56km d/s from Meadowgate
Local Wildlife Sites (LWSs)	Canklow Wood	0.31km d/s from Canklow
	Rother Valley Country Park	0.01km d/s from Meadowgate
	Rother Valley:Beighton to Holbrook	0.45km d/s from Meadowgate
	Woodhouse Washlands	1.79km d/s from Meadowgate
Protected Species	European Water Vole	At Meadowgate / At Canklow
	Brown/Sea Trout	0.68km d/s from Meadowgate
	Bullhead	0.05km d/s from Canklow 0.68km d/s from Meadowgate
	Coded species	1.89km d/s from Meadowgate
	European Eel migratory route	2.62km d/s from Canklow
Protected Habitats	Deciduous woodland	0.31km d/s from Canklow 0.06km d/s from Meadowgate
	Coastal and floodplain grazing marsh	1.78km d/s from '1'

These applications have been screened using the Water Resources Screening Tool (WRST) and lists of designated and protected conservation sites and species are shown within the output reports. For impoundment schemes a nominal 1 cubic

metre daily volume is used to be able to run the tool. Additional manual screening was carried out to screen from source to sea to support the WRST results.

The designated and protected conservation sites and species within the WRST results and table above have been considered within this determination. Where there was a risk of impact we have discussed this in sections 6.2 to 6.7.

6.2. Hydrology and impact on flows

The published ALS contains background information on the relevant catchments.

The River Don is a river in South Yorkshire and the East Riding of Yorkshire. It rises in the Pennines, west of Dunford Bridge, and flows for 111 kilometres eastwards, through the Don Valley, via Penistone, Sheffield, Rotherham, Mexborough, Conisbrough, Doncaster and Stainforth. It originally joined the Trent, but was re-engineered in the 1620s and now joins the River Ouse at Goole.

The River Rother rises in Padley Wood, near Clay Cross in low-lying rural land and flows for over 50 kilometres. The river passes through a number of canalised stretches, past North Wingfield and Wingerworth before flowing through Chesterfield Town Centre. The Lower Rother flows north of Staveley, through Rother Valley Country Park to the confluence with the River Don near Templeborough, Rotherham.

The purpose of the regulators is to reduce the risk of flooding to settlements within the Don catchment, by attenuating flows in the River Rother. The Don Regulators comprise three strategically important regulator gates on the River Rother that are owned, operated and maintained by the Environment Agency. This includes the gates at Canklow and Meadowgate. Canklow is the furthest downstream and is approximately 3.5km upstream of the confluence of the River Rother and the River Don at Rotherham. Operating the regulators on the Rother during a significant flood event allows the flood peak on the river to be delayed until the peak on the River Don has passed Rotherham and prevents flooding from the Don.

The proposal is to replace both the Canklow and Meadowgate regulator gates; the Canklow one will be like for like and the Meadowgate one will be replaced with a design similar to Canklow.

The regulators are operated in sequence starting with Canklow and according to flows and levels measured at the gauging stations at Hadfields, Whittington and Woodhouse Mill.

The operation of these regulators on the Rother is on the following basis:

- a) Canklow Regulator should be used when the flow at Hadfields on the River Don exceeds 130 cubic metres per second (cumecs) (Level 32.0 metres Above Ordnance Datum (mAOD)), which is approximately a 1 in 5 year event.
- b) The flow on the River Rother passing Canklow should be limited to 40 cumecs.
- c) Meadowgate and Woodhouse Mill Regulators should be used to limit the flow reaching Canklow to 50 cumecs.

This allows Canklow to operate for a period in excess of 20 hours before reaching capacity. For most events on the River Don this period would be long enough to allow the Don peak to have passed Rotherham. The closing of the Canklow Regulator gate limits the flow of the Rother. This allows the Rother flood peak to be delayed until after the River Don flood peak has passed Rotherham. The closing of this regulator gate allows the filling, over spillways, of the seven washland compartments to a maximum level of 29.5 mAOD at the gate. This provides a total storage capacity of 1,520,600 cubic metres. The careful use of this storage can have a significant effect on flood levels on the River Don. Canklow will be the most frequently used of the Rother Regulators.

The Canklow Regulator should be operated when a local level of 1.8 m is reached at Hadfields. In general, flood rise at Hadfields is rapid, and therefore operation should not be delayed. However, should the event produce a slow rise (i.e. snow melt) operation can be delayed until a level of 2.1m is reached. Above this level it is possible to reach critical conditions at Doncaster because of the additional flow from the Rother and Dearne. The Rother and Dearne flows should however be assessed to determine their likely effect on the Don flow. Regulation may not be necessary if the event is predominately Don based with low flows in the other rivers.

Meadowgate Regulator should be operated in relation to Whittington and Woodhouse Mill Gauging Stations on the River Rother and Hadfields Gauging Station on the River Don.

The Meadowgate Regulator should be operated when:

a) IF Whittington is $\geq 3.35\text{m}$ AND Hadfields $\geq 1.3\text{m}$.

or

b) IF Woodhouse Mill Gauging station is $\geq 2.66\text{m}$ AND Hadfields $\geq 1.3\text{m}$.

or

c) IF Canklow is operated AND Meadowgate d/s $\geq 35.7\text{m AOD}$

The raising of the Regulator gate impounds flood water, filling two washland compartments to a maximum level of 40.5 mAOD at the gate. This provides a total storage capacity of 1,100,000 cubic metres.

The Rother Regulators are emptied in a specific order to ensure water is not evacuated too rapidly, which could otherwise cause flooding problems downstream.

Canklow flood storage reservoir is emptied first to provide storage for any follow-on event. Once levels at Sheffield Hadfields drop below 1.3m, Canklow flood storage reservoir can begin emptying by raising the Canklow Regulator. This usually takes 24 hours if full.

Once Canklow flood storage reservoir is empty, Canklow washlands is below 1.9m, Meadowgate and Woodhouse Mill flood storage reservoir can be emptied.

The regulators are only used to manage water levels on the River Don, so an event primarily on the River Rother does not require their use. Reservoirs associated with these regulators fill in up to 24 hours depending on the event.

Once the Canklow and Woodhouse Mill flood storage reservoir are full, Canklow and Woodhouse Mill Regulators must be opened to maintain the reservoir top water level or local properties flood. At this point the regulated reservoirs are not

being emptied, they just aren't storing any additional water so all flows coming down the River Rother are now passed forward.

The regulators are opened in a controlled way, so although pass forward flows will increase there is no sudden wall of water.

The replacement Don Regulators will protect Rotherham and the surrounding area from flooding and improve resilience.

On this basis there will only be changes to flows and levels during events as outlined above and these are carefully managed as per operating procedures.

Therefore, these replacement gates are not anticipated to cause any deterioration to the waterbody's WFD status or prevent the achievement of good ecological potential with regards to flow related elements.

6.3. Impact on water quality

As this is replacements of existing structures which are only deployed during times of high flow 1% of the time they are not anticipated to cause any deterioration to the waterbody's WFD status or prevent the achievement of good ecological potential with regards to water quality elements.

6.4. Impact on geomorphology

As above, these gates are replacements of existing structures which are only deployed during times of high flow and are not anticipated to cause any deterioration to the waterbody's WFD status or prevent the achievement of good ecological potential with regards to the geomorphology elements.

6.5. Impact on ecology (including fish)

Canklow doesn't need a fish pass as the channel is all on the same level, so there is no barrier to fish passage. The gate works are mostly out of channel replacing the gate with a like for like structure (vertical drop-down gate).

By removing the bottom hinged tilting gate at Meadowgate, there was an opportunity to improve fish passage on the River Rother. The old gate being replaced creates a weir with a step down into the channel due to the type of gate structure which is hinged at the base of the wing walls and lies flat in the riverbed when in normal resting position. Currently, there is a stilling basin immediately downstream of the

gate approximately 40m in length, 12m wide and up to 3m deep at the upstream end. Meadowgate therefore requires a fish pass (under Freshwater and Salmon Fisheries Act).

Through design development a unique full channel fish pass has been developed which removes the stilling basin by infilling to grade out the bed levels before installing reinforced concrete fish tiles with upstands of varying heights. Due to the engineered nature of the channel in this location and the operation of the gate, the fish pass is required to withstand high velocity flows up to 8 metres per second during extreme events. This proved challenging to the more traditional fish pass construction, leading to a heavily engineered solution. To refine the design and prove passability for a range of species, the proposed arrangement was modelled using Computational Fluid Dynamics. This allowed the upstand heights to be adjusted to provide the optimum depth and velocities through the range of design flows.

The inclusion of a fish pass at Meadowgate overcomes the barrier created by removing the old style of gate for replacement with a different type of gate. We do not anticipate this will have any effect on the waterbody's ecology (including fish) WFD status and, particularly, its achievement of good ecological potential with regards to fish elements which is currently at 'good'.

6.6. Conservation of Habitats and Species Regulations 2017 and Wildlife and Countryside Act 1981

The Humber Estuary SAC, SPA, Ramsar and SSSI site lies approximately 45 kilometres downstream of Canklow and approximately 48 kilometres downstream of Meadowgate. The site is designated for breeding and non-breeding birds, wintering birds, waterbird assemblage, salt meadows and salt marsh, coastal lagoons, dunes, mudflats, sandflats, invertebrates, vascular plants, river and sea lamprey and grey seals.

As above, these gates are replacements of existing structures and will not be operational 99 per cent of the time. The inclusion of a fish pass will overcome any barrier presented by the removal of the fish belly tilting gate at Meadowgate.

An Appendix 3 SSSI Assessment form and a Stage 1 Habitats Regulations Assessment form have been completed with a conclusion of no mechanism for damage and no likely significant effect respectively and sent to Natural England 'for information only.'

6.7. WFD summary impact statement

We are satisfied that in granting these licences there will be no deterioration in the status of the waterbody and we will support the achievement of the objectives for the waterbody.

6.8. Protected rights and lawful uses

This application has been screened using the Water Resources Screening Tool (WRST) and lists of protected rights and/or lawful uses are shown within the output report.

The protected rights and lawful uses within the WRST results have been considered within this determination.

6.9. Other considerations

There are no concerns about archaeology, recreation/amenity, subsidence or desiccation, and the management of flooding has been presented above. These regulator gates have the purpose of reducing the risk of flooding of settlements within the catchment.

6.10. Other permits that might be required or related to the proposal

Permits	Yes/No	Comments
Environmental permit for a discharge activity	No	
Flood Risk Activity Permit	Yes	This work is currently partially permitted through the Flood Risk Activity Permit process, with permission granted for most of the enabling works and the permanent replacement aspect still under discussion. The main concerns are around downtime, as opposed to the replacement of the regulators themselves, therefore this does not have an impact on the impoundment licences.

Permits	Yes/No	Comments
Other	No	

7. Assessment of likely Costs & Benefits of proposed approach

Water Resources/ The environment	The licence accords with local Water Resources policy and is sustainable.
The applicant	The applicant will benefit from the ability to continue to reliably and safely operate the regulator gates at Canklow and Meadowgate to attenuate flows and reduce the risk of flooding to settlements within the catchment as well as enabling fish passage at Meadowgate as per their legal duties.
The Agency	In determining the licence in accordance with the local and national policy, we are fulfilling our duties as a regulator.
The economic and social wellbeing of the rural community	No adverse effects on the social and economic wellbeing of local communities in the rural area or the beauty or amenity of urban or rural areas are perceived as a result of this proposal.

Alternative approaches considered

<p>(1) Refuse.</p> <p>(2) Grant as applied for by applicant.</p> <p>(3) Grant with different terms than applied for by applicant.</p>

Reason for choosing preferred approach over alternative approaches

<p>(2) Grant as applied for by applicant.</p> <p>The proposal is to replace the existing regulator gates at Canklow and Meadowgate to enable the schemes to be safely and reliably operated for another 25 years which enables the attenuation of storm flood flows to reduce the risk of flooding to downstream settlements, with the inclusion of improved fish passage at Meadowgate as per the applicant's legal duties. The operation of the gates will happen one per cent of the time, triggered during events exceeding given flows and levels at the trigger gauging stations. No impact is expected from these proposals only the benefit of protecting communities from flooding.</p> <p>There is no reason to refuse the applications.</p>
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8. Time limit

A time limit has not been included because the licences applied for are to impound water.

9. Measurement of water abstracted

No measurement has been included or is required because the licences applied for are to impound water.

10. Special agreements

None

11. Enforcement – Criticality Class

The licence enforcement criticality level will be Less Critical because it is a fixed, static site where experience has shown that securing compliance is a relative formality.

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12. Charging factors

Chargeable status

(a) Is the whole licence non-chargeable? (Yes / No)	Yes	
(b) Is one of the purposes with a specified authorised quantity non-chargeable? (Yes / No / N/A)	Yes	
(c) If (b) is 'Yes' specify purpose		
If 'Yes' to (a) or (b) identify non chargeable reason	EA is the licence holder	X
	Chloride Content	
	S125 electricity production up to 5MW	
	100% s126 Abatement	
	Temporary licence	
	Transfer licence	
	Impounding licence	X

13. Other statutory duties

13.1. Section 4 Environment Act 1995 (pursuit of sustainable development)

We have considered whether additional requirements should be imposed in relation to our principal aim of contributing to attaining the objective of sustainable development under section 4 of the Environment Act 1995, the existing requirements are sufficient in this regard and no other appropriate requirements have been identified.

We have had regard to Government guidance issued under section 4(2) of the Act, namely '*The Environment Agency's Objectives and Contribution to Sustainable Development: Statutory Guidance (December 2002)*'. Regarding the exercise of our water resources functions, we are required:

'To plan to secure the proper use of water resources by using strategic planning and effective resource management which takes into account environmental, social and economic considerations, and in particular:'

'To ensure that the abstraction of water is sustainable, and provides the right amount of water for people, agriculture, commerce and industry and an improved water-related environment; and to develop and maintain a framework of integrated water resources planning for the Agency and water users.' The principles of

sustainable development and biodiversity are embodied in the conditions attached to the licences.

13.2. Section 6(1) Environment Act 1995 (conservation duties with regard to water)

We have considered our duty to promote the conservation and enhancement of the natural beauty and amenity of inland and coastal waters and the land associated with such waters, and the conservation of flora and fauna which are dependent on an aquatic environment and are satisfied that these proposals meet this duty. We have taken these factors into account through the process of screening for features of ecological and conservation value (sections 6.1, 6.3 and 6.5 of this report).

13.3. Section 6(2) Environment Act 1995

In reaching our decision we have taken all such action as we consider necessary or expedient for the purposes of conserving water resources and securing their proper use (including the efficient use of those resources).

We have taken these factors into account by considering the justification of requirements and water efficiency, as set out in section 3 of this report.

13.4. Section 7 Environment Act 1995 (pursuit of conservation interests)

Section 7(1)(a) of the Environment Act 1995 places a duty on us, when considering any proposal relating to our functions, to exercise our functions so as to further the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest. We have taken these factors into account through the process of screening for features of conservation value (sections 6.1, 6.3 and 6.5 of this report).

Section 7(1)(c) of the Environment Act 1995 places a duty on us to have regard to the desirability of protecting and conserving buildings, sites and objects of archaeological, architectural, engineering or historic interest and to take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area, on any such flora fauna features buildings sites or objects,

and any effect which the proposals would have on the economic and social well-being of local communities in rural areas.

We have had regard to these factors as indicated (amongst others) in above and consider that we have met these duties. We have taken these factors into account as indicated in section 6.9 and 7 above.

13.5. Section 8 Environment Act 1995 and Sections 28G and 28I Wildlife and Countryside Act 1981

Under section 28G of the Wildlife and Countryside Act 1981 we have a duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest (SSSI). We have taken these factors into account as indicated in section 6.6 above.

13.6. Section 39 Environment Act 1995

We have a duty under section 39 of the Environment Act 1995 to take into account the likely costs and benefits of granting the applications ('costs' being defined as including costs to the environment as well as any person). This duty, however, does not affect our obligation to discharge any duties imposed upon us in other legislative provisions. We have taken these factors into account as indicated in section 7 above.

13.7. Regulation 63 Conservation of Habitats and Species Regulations 2017

Under regulation 63 of these Regulations, we must, before granting any abstraction or impoundment licence, assess whether it is likely to have a significant effect on a European site (Special Areas of Conservation (SAC) or Special Protection Area (SPA), either alone or in combination with other projects; and if so undertake an appropriate assessment of the implications of the abstraction or impoundment upon that site in light of its conservation objectives. In the light of the conclusions of the assessment (and subject to regulation 64) we will only grant a licence after having ascertained that it will not adversely affect the integrity of the European site. We have taken these factors into account as indicated in section 6.6 above.

13.8. Sections 40(2) and 21(4) and (5) Water Resources Act 1991 (Minimum Acceptable Flows)

No Minimum Acceptable Flow has been determined under Section 21(1) Water Resources Act 1991 for any waters related to this application. As a result, we have considered these aspects by reference to our obligations under Section 40(2) Water Resources Act 1991.

We are satisfied that when granting these licences, the river flow will not be less than is necessary for meeting (in respect of both the quality and quantity of water) the requirements of public health, navigation and land drainage; and that we have had regard to

- The flow in the inland waters from time to time
- The character of these waters and their surroundings, and
- Any water quality objectives established under Part III of the Water Resources Act 1991 which may be affected by flows.

We have taken these factors into account as indicated in sections 4, 6.2, 6.3, 6.8 and 6.9 above.

13.9. Section 40 Natural Environment and Rural Communities Act 2006

Section 40 of the Natural Environment and Rural Communities Act 2006 has been amended with effect from 1 January 2023 to require consideration of the general biodiversity objective, which is to further the conservation and enhancement of biodiversity through the exercise of our functions. We have considered the general biodiversity objective when carrying out our licence application determination and, concluded that no additional measures are required in the final licences. We have taken these factors into account as indicated in sections 6.1 and 6.5 above.

13.10. Regulations 3 and 33 Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

As required by regulations 3 and 33 of these Regulations, in reaching our decision we have exercised our water resources functions so as to secure compliance with the Water Framework Directive and we have had regard to the relevant river basin district river basin management plan which has been approved under regulation 31 of these Regulations. We are satisfied that in granting these licences there will

be no deterioration in the status of the waterbody and we will support the achievement of the objectives for the waterbody. We have taken these factors into account as indicated in section 6 above.

13.11. Section 38(3)(b) Water Resources Act 1991

We consider our duty to have regard to the applicant's requirements, in so far as they are reasonable, under section 38(3)(b) of the Water Resources Act 1991. We have taken these factors into account as indicated in sections 3 and 7 above.

13.12. Environmental Impact Assessment Directive 2011/92/EU

This Directive is implemented by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. These Regulations apply to applications for planning consent made to a local planning authority; they do not apply to applications for a licence made to us under the Water Resources Act 1991.

13.13. Section 108 Deregulation Act 2015 – Growth duty

We considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant these licences. Paragraph 1.3 of the statutory guidance issued by the Department of Business, Energy and Industrial Strategy in March 2017 says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this abstraction or impoundment in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in these licences are reasonable and necessary to avoid a risk of unacceptable effects on the environment and the rights of other existing lawful water users. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

13.14. Countryside and Rights of Way Act 2000

Section 85 of this Act imposes a duty on the Environment Agency to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty (AONB). We have had regard to these factors through the process of screening for features of conservation value as indicated in sections 6.1 and 6.6 above.

13.15. National Parks and Access to the Countryside Act 1949

Section 11A and section 5(1) imposes a duty on the Environment Agency when exercising its functions in relation to land in a National Park, to have regard to the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas, and of promoting opportunities for the understanding and enjoyment of National Parks by the public. We have had regard to these features through the process of screening as indicated in section 6.1 and 6.5 above.

13.16. Section 6(6) Environment Act 1995

It is our duty to maintain, improve and develop salmon fisheries, trout fisheries, freshwater fisheries and eel fisheries.

Any licence we issue which affects surface waters will incorporate the appropriate eel, and/or fish passage arrangements; fish protection measures and appropriate flow constraints and we consider that this duty has been met. We have taken these measures as indicated in section 6.5 above.

14. Conclusion and recommendation

14.1. Conclusion

Full and due consideration has been given to any comments <and representations> made, and due regard has been taken of protected rights and other lawful uses.

The conditions incorporated on the licence are considered to be necessary and reasonable in the light of the available and presented evidence. The conditions are also considered to be clear enough to be enforced by us and understood by the Licence Holder.

14.2. Recommendations

It is recommended that the application is approved and licence numbers NE/027/0003/014 and NE/027/0003/015 should be issued with the conditions as drafted.

Condition will be required in order to:

- Approve a fish pass and its ongoing maintenance
- Construction Method Statement
- Notify the Agency prior to and post construction
- Maintaining downstream quantity and quality of flow during construction
- Provide an Engineers Report and as built drawings to confirm constructed as authorised
- Maintain structure to prevent leakage and be free of obstruction at all times
- Self-destruction of licence if not built in 3 years of the issue date

15. Authorisation

Applicant:	Environment Agency
Application Reference:	Canklow - NPS/WR/041112 Meadowgate - NPS/WR/041113

<p>Report by: Helen Folland Position: Permitting Officer</p> <p>I have reviewed all permitting documents in line with appropriate regime-specific process and checklists and I hereby approve the proposed permit for issue.</p>	<p>Date: 21/10/2024</p>	<p>Signed: Helen Folland</p>
<p>Peer Review (full) / Licence Check by: Position:</p> <p>I have reviewed the required permitting documents in line with appropriate regime-specific process and checklists and I hereby approve the proposed permit for issue.</p>	<p>Date: 30/10/2024</p>	<p>Signed: G.Melhuish</p>
<p>Authorised by: Position: Permitting Team Leader</p>	<p>Date:</p>	<p>Signed:</p>

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**Water Resources
LICENCE TO**

IMPOUND

WATER

Environment Act 1995
Water Resources Act 1991 as amended by
the Water Act 2003
Water Resources (Abstraction and
Impounding) Regulations 2006

IMPORTANT NOTES

Need for safekeeping

This licence is an important document. The permission or right to impound water may be valuable to your landholding. So -

- Keep the licence safe, preferably with your deeds etc.
- Read these notes and the licence conditions carefully to ensure you have a full understanding of its meaning.

This is to ensure that the permission and any rights granted by the licence continue if you need to pass it on to someone else.

The impounding works may also be conditional on, or otherwise involve, you entering into a related agreement with the Environment Agency. This may be registered and will bind you and any change in owner of your land. This licence and any such Agreement should therefore be disclosed on any change of title or occupation.

If you want to:

- **revoke (cancel) the licence;**
- **[notify us of the death or bankruptcy of the licence holder;](#)**
- **[vary \(change/amend\) the licence in any way](#)**
- **[change the owner of the licence](#) or**
- **[change your contact address \(but you continue to hold the licence\).](#)**

You can find our forms on [.GOV.UK](#) or alternatively contact us for advice on how to make any changes by calling our National Customer Centre on 03708 506 506

Scope of this licence

This licence has effect only for the purposes of Part II of the Water Resources Act 1991 as amended by the Water Act 2003. In granting this licence, and in considering any drawings submitted, you should assume that the Environment Agency has taken into account only considerations relevant to the conservation and proper use of water resources in the area. Grant of this licence does not imply that the Environment Agency has approved the details of construction of the impounding works, including whether the proposed construction is adequate or safe. The licence holder is entirely responsible for ensuring compliance with all other requirements. Grant of this licence does not in any way suggest that these have been fulfilled.

Changes to the impounding works or revocation of this licence

If you want to alter the impounding works and/or the way you operate them, you will need to vary the terms of the licence (and, if applicable, any related agreement). If you want to revoke this licence, you may be required to satisfy certain conditions that the Environment Agency may specify for the removal of the works.

Contact us for advice if you want to vary or revoke this licence by calling our National Customer Centre on 03708 506 506.

Transfer of this licence

If you need to pass this licence to someone else, you must contact the Environment Agency and obtain the appropriate application forms. The licence holder remains responsible for compliance with the terms of the licence until it has been transferred.

Death or bankruptcy of the licence holder

'Vesting' is the transfer of responsibility and ownership of a licence when an existing licence holder is no longer able to hold the licence either through death or bankruptcy.

If a licence has been 'vested' in you, as a result of the death or bankruptcy of the licence holder, please contact the Environment Agency in writing, telling us the licence number(s) and the date that the licence vested in you as a personal representative or trustee of the licence holder. This is necessary in order to enable you to subsequently transfer the licence.

You must notify us in writing within **15 months** of the date of vesting, being either death or bankruptcy of the licence holder giving the full names of all personal representatives or trustees and a contact address

Other requirements for impoundments

Depending on circumstances, you may also have to comply with other legal requirements, i.e. apart from obtaining this licence, before carrying out or operating the impoundment. These may include:

- obtaining a [flood risk activities: environmental permit](#) (relating to structures on main rivers);
- obtaining consent under section 23 Land Drainage Act 1991 from the relevant internal drainage board or lead flood authority (relating to obstructions in watercourses);

- obtaining planning permission from your local [planning authority](#);
- complying with requirements of the Reservoirs Act 1975 (in relation to safety of larger raised reservoirs). The Environment Agency became the regulatory body on 1 October 2004;
- obtaining consent from the owner of the other bank of the watercourse to the proposed impoundment;

- not contravening pollution control provisions of the Water Resources Act 1991, particularly in relation to allowing matter to be carried away in suspension when sluices etc. are opened;
- complying with the provisions of the Salmon and Freshwater Fisheries Act 1975 relating to the passage of fish.

Some of these matters are under the control of the Environment Agency, but for administrative and legal reasons are kept separate from the issue of this licence. If you require information or assistance about them, contact the Environment Agency, and you will be directed to the right person to help you.

For advice about planning permission contact your local planning authority.

Offences

This impounding licence authorises you, the licence holder, to obstruct or impede the flow of a specified inland water at a specified point by means of impounding works.

"Impounding works" means either, any dam, weir or other works by which water may be impounded; or, any works for diverting the flow of waters in connection with the construction or alteration of such dam, weir or other works.

Under the Water Resources Act 1991 it is an offence to construct or alter, or cause or permit any other person to construct or alter, any impounding works in inland waters or cause or permit the flow of any inland waters to be impeded or obstructed at any point by means of impounding works unless:

- an impounding licence is in force;
- the flow of the inland waters is not obstructed or impeded except to the extent and in the manner authorised by a licence;
- any other requirements of the licence, whether as to provision of compensation water or otherwise, are complied with.

It may be an offence not to comply with the other legal requirements mentioned above. For details, check with the Environment Agency or the authority concerned.

Right of appeal

If you are dissatisfied with our decision on your licence application, you have the right to appeal against our decision.

You should write to the Secretary of State for the Environment, Food and Rural Affairs, care of The Planning Inspectorate at:

Environment Appeals
The Planning Inspectorate
3A Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Alternatively you can obtain an online appeal form at:

<https://www.gov.uk/government/publications/water-abstraction-and-impoundment-appeal-form>

You must serve notice of appeal within 28 days of the date of receipt of this licence (although the Secretary of State has power to allow a longer period for serving notice of appeal). See [Water Resources Act 1991, section 43](#)

Disclosure of Information

Details of this licence are placed on a register, kept by the Environment Agency and open for inspection by the public. The public may also obtain further details about it by virtue of the Environmental Information Regulations 2004, except in special cases (for advice please contact us at the address shown on the front page of the licence).

Members of the public are also entitled to ask us for other "environmental information" we hold, including any activities likely to affect "the state of any water" or any "activities or other measures designed to protect it". That would include the information additional to the licence document e.g. any related Agreement. In certain restricted circumstances it is possible to claim that information should be kept confidential. If you require more information about keeping this information off the public register because it is confidential, please contact us by writing to the address shown on the front page of the licence within 28 days of receiving this licence.

Licence Serial No:	NE/027/0003/014
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Please quote the serial number in all correspondence about this licence



LICENCE TO IMPOUND WATER

The Secretary of State for the Environment, Food and Rural Affairs is hereby deemed to grant a licence to:-

Environment Agency ("the licence holder")
 Horizon House
 Deanery Road
 Bristol
 BS1 5AH

This licence authorises the licence holder to obstruct or impede the flow of the inland water described in the schedule of conditions (to extent and manner authorised by those conditions) to this licence and subject to the provisions of that Schedule.

The licence commences from the effective date shown below.

Signed..... **Date of issue** <day/month/year>

<insert name> **Date effective** <day/month/year>

Deputy Director of Water Resources

Horizon House
 Deanery Road
 Bristol
 BS1 5AH

This licence should be kept safe and its existence disclosed on any sale of the land and the impounding works to which it relates.

Note: References to "the map" are to the map which forms part of this licence.
 References to "the Agency" are to the Environment Agency or any successor body.

SCHEDULE OF CONDITIONS

1. NAME AND/OR DESCRIPTION OF INLAND WATER TO BE IMPOUNDED

- 1.1 Inland water known as the River Rother at Canklow Regulator gate, near Rotherham, Yorkshire.

2. POINT OF IMPOUNDMENT

- 2.1 Between National Grid References SK 43409 89723 and SK 43411 89706 marked 'A' and 'B' on the map.

3. MANNER AND EXTENT OF IMPOUNDMENT

- 3.1 The Licence Holder shall undertake modifications to the existing regulator gate structure known as Canklow to install a replacement single, electrically powered vertical lift regulator gate spanning the River Rother.
- 3.2 The Licence Holder shall construct, operate and maintain the impounding works in accordance with the drawing number IMNE790514-JBAB-00-3_02-DR-C-1200 titled '*Don Regulatory Structures Canclow [sic] Section*' Rev C01 dated 18/07/19 submitted to and approved by the Agency on 17 July 2024, a copy of which is appended to this licence document, or such minor amendments to that document that are accepted in writing by the Agency prior to the date of commencement of operation of the scheme.

4. FURTHER CONDITIONS

- 4.1 The Licence Holder shall notify the Agency in writing 14 calendar days inclusive before the commencement of construction of the works.
- 4.2 The Licence Holder shall notify the Agency in writing no later than 14 calendar days after the completion of the works authorised by this licence.
- 4.3 The Licence Holder shall submit with the notice specified in condition 4.1 above a detailed Method Statement regarding the construction of the works specified in condition 3.1. The Licence Holder shall not commence these works until the Agency has approved the Method Statement in writing. The Licence Holder shall undertake the works in accordance with the approved Method Statement, or in accordance with such minor variations to it that the Agency may approve in writing.
- 4.4 The Licence Holder shall ensure that during construction and any subsequent maintenance of the works authorised by this licence that the flow in the River Rother is allowed to pass downstream unchanged in quantity and quality at all times.

- 4.5 The Licence Holder shall provide written confirmation (including drawing/s that clearly detail and show the impoundment works as it has been built) to the Agency from an independent qualified civil engineer, or other independent suitably qualified person, that the impoundment works has been constructed in accordance with the submitted specification and drawings specified in Condition 3.2 of this licence (or such minor amendments to these documents that have been accepted in writing by the Agency).
- 4.6 The Licence Holder shall maintain such impounding works to prevent leakage and to be free from obstruction, both upstream and downstream, at all times and remain effective at all times.
- 4.7 This licence shall cease to be of any effect if the impounding works authorised by it have not commenced by <<date three years from date of issue.>>

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ADDITIONAL INFORMATION

Note: the following is provided for information only. It does not form part of the licence.

REASONS FOR CONDITIONS

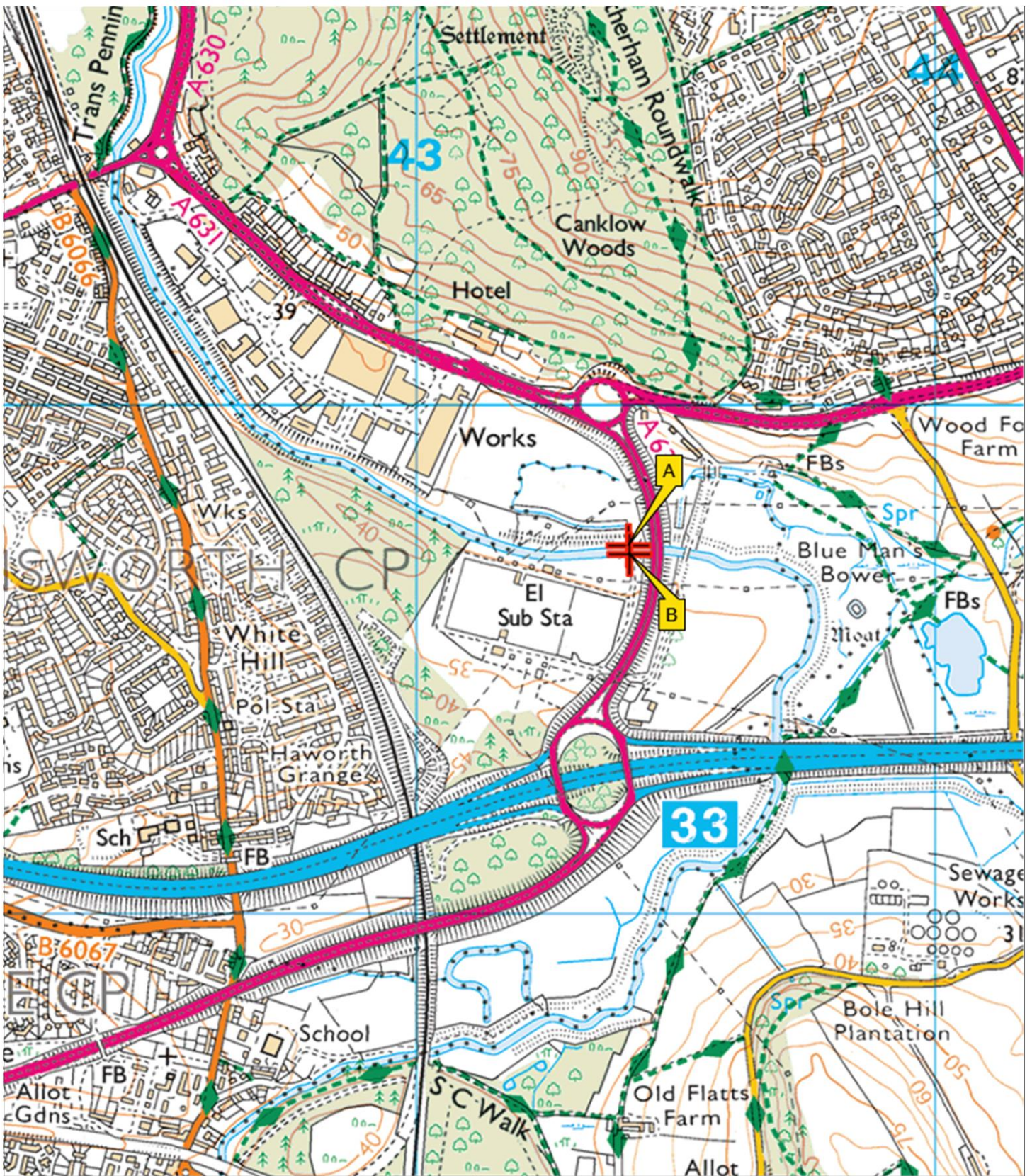
To enable the Agency to carry out its functions under the Water Resources Act 1991 as amended.

The licence includes a self-destruct condition (Condition 4.7) in order that the licence will cease to be in force if the impoundment works do not take place.

IMPORTANT NOTES

Contact details

For the purpose of condition 4.1, 4.2 and 4.5 the Licence Holder should contact the Environment Agency, Land & Water team by email sent to Don.Rother@environment-agency.gov.uk including the licence number in any correspondence.



MAP ACCOMPANYING LICENCE NUMBER

NE/027/0003/014

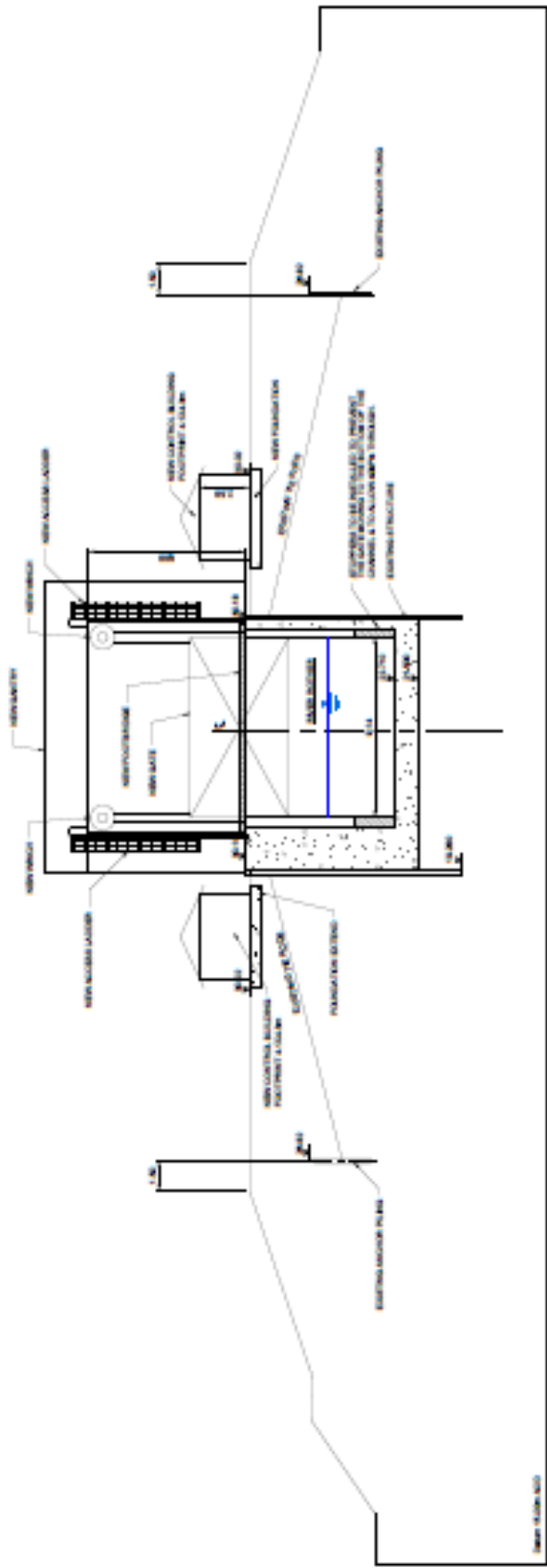
Scale 1: 10,000



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GENERAL NOTES

1. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE IN METERS UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



PROPOSED SECTION (LOOKING UPSTREAM)

**BASED ON HISTORICAL DRAWING
DO NOT SCALE**

NO.	REVISION	DATE	BY	CHKD.	APP'D.

SUITABLE FOR CONCEPT DESIGN

Bentley

McGraw Hill Construction

1000 CENTRE EXPLORATION DRIVE
SPRINGFIELD, MA 01103
TEL: 413-236-4700
WWW.BENTLEY.COM

Don Regulators Outline Business Case

Don Regulators Structures
Canalway
Section



NO.	REVISION	DATE	BY	CHKD.	APP'D.

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