

Permit with introductory note

The Environmental Permitting (England & Wales) Regulations 2016

Environment Agency

Bank re-profiling and excavation in the floodplain on the Upper Witham at Manthorpe

National Grid Reference[s]: SK9221537679

River Witham to the West of Belton Lane and East of Low Road at Manthorpe

Permit number

EPR/BB3396JN

Introductory note

This introductory note does not form a part of the permit

The main features of the permit are as follows.

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 EPR/BB3396JN | Duly made 16/01/20 | Application for Bank re-profiling and excavation in the floodplain |
| Permit determined EPR/BB3396JN | 11/03/20 | Permit issued to Environment Agency |

End of introductory note

Permit

The Environmental Permitting (England and Wales) Regulations 2016

Permit number

EPR/BB3396JN

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

Environment Agency ("the operator")

whose principal office is

Horizon House

Deanery Road

Bristol

BS1 5AH

to operate the following flood risk activities:

Bank re-profiling and excavation in the floodplain

at

Upper Witham at Manthorpe

National Grid Reference(s) SK9221537679

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

| Name | Date |
|---|-------------------|
|  Johnathan Austin FCRM Senior Team Leader FCRM Directorate | 11/03/2020 |

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”).
- 2.1.2 The activities shall not be carried out within the distances from specified structures, locations and receptors set out in schedule 1, table S1.1.

2.2 The site

- 2.2.1 The activities shall not extend beyond the site, being the land shown edged in red on the site plan at schedule 2 to this permit and showing National Grid Reference[s] **SK 92197 37547, SK 92315 37773**.

2.3 Operating techniques

- 2.3.1 The operator shall use appropriate measures, including but not limited to those in the 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, 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.

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, or in the case of the following records until permit surrender:
 - (i) records relating to conditions for the ongoing operation or maintenance of a structure;
 - (ii) records relating to the continuing access of the Environment Agency to the watercourse or to works or structures it operates;
 - (iii) matters which affect the condition of the land.

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

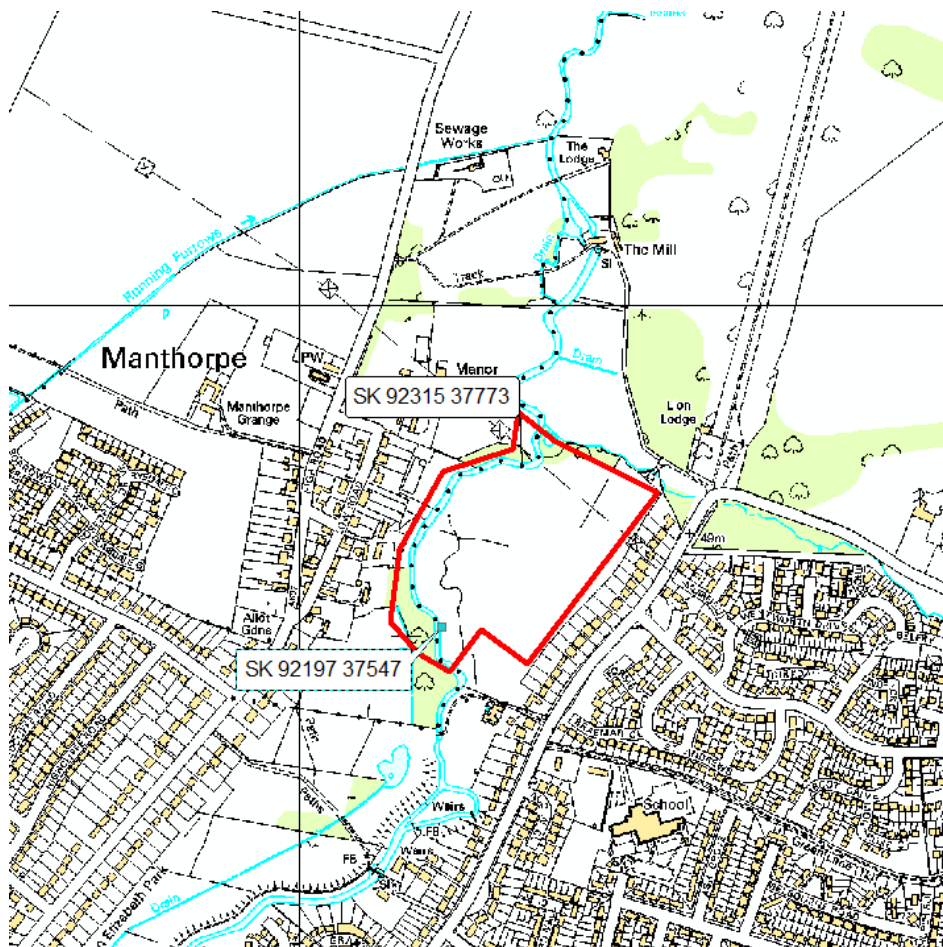
Schedule 1 – Operations

| Table S1.1 activities | | |
|-----------------------|-------------------------------|--|
| Activity reference | Description of activities | Limits of activities |
| | Permanent Works | |
| P1 | Undertaking bank re-profiling | <p>The activity shall be commenced within 3 years of the date of the grant of the permit and completed within 12 months of commencement.</p> <p>The activities shall be carried out in accordance with the application form dated 09.12.19, report reference Manthorpe Mill doc.</p> <p>The activities shall be undertaken outside of the period from 1 October to 31 May inclusive as this activity is on a salmonid river</p> <p>The activity shall affect no more than 400 metres of the bank of the watercourse at any one time.</p> <p>The activities shall only be carried out on the River Witham</p> |
| P2 | Excavations in the floodplain | <p>The activity shall be commenced within 3 years of the date of the grant of the permit and completed within 12 months of commencement.</p> <p>The activities shall be carried out in accordance with the application form dated 09.12.19, report reference Manthorpe Mill doc.</p> <p>The activities shall be undertaken outside of the period from 1 October to 31 May inclusive as this activity is on a salmonid river</p> <p>The activities shall only be carried out on the River Witham</p> |
| P3 | Gravel installation | <p>The activity shall be commenced within 3 years of the date of the grant of the permit and completed within 12 months of commencement.</p> <p>The activities shall be carried out in accordance with the application form dated</p> |

| Table S1.1 activities | | |
|------------------------------|----------------------------------|--|
| Activity reference | Description of activities | Limits of activities |
| | | <p>09.12.19, report reference Manthorpe Mill doc.</p> <p>The activities shall be undertaken outside of the period from 1 October to 31 May inclusive as this activity is on a salmonid river</p> <p>The activities shall only be carried out on the River Witham</p> |

| Table S1.2 Operating techniques | | | |
|--|---|--|----------------------|
| Requirement | Measures (if measures are specified) | Document reference | Date Received |
| Condition 2.3.1 (c) | No materials excavated in connection with the activity shall be left within the flood plain after completion of the works | Method Statement and Ecological Risk Assessment – River Witham Manthorpe | 13/01/20 |
| Condition 2.3.1 (c) | Excavations in the floodplain shall be carried out before the removal of the flood bank takes place. | Method Statement and Ecological Risk Assessment – River Witham Manthorpe | 13/01/20 |

Schedule 2 – Site Plan



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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

“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