



Environment
Agency

Standard rules

Chapter 4, The Environmental Permitting
(England and Wales) Regulations 2016

Standard rules SR2015 No 35 – Excavating a wetland or pond in a main river floodplain

Introductory note

This introductory note does not form part of these standard rules.

When referred to in an environmental permit, these rules will allow the operator to create a wetland or pond within the floodplain of a main river provided that all excavated material is removed from the floodplain.

These rules do not allow excavation within 8 metres of a flood defence and within 16 metres from the river.

End of introductory note

Rules

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, including those 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 table 2.1 below (“the activities”).

Table 2.1 Activities	
Description of activities	Limits of activities
The excavation of a wetland or pond in a floodplain of a main river.	<p>The activity shall be commenced within three years of the date on which the permit is granted and completed within 3 months of commencement.</p> <p>The pond or wetland excavation shall not be carried out within 16 metres from the watercourse.</p> <p>The capacity of the floodplain shall not be reduced by the activity.</p> <p>All spoil excavated in creating the wetland or pond shall be removed to outside of the flood plain.</p>

2.2 The site

- 2.2.1 The activities shall not extend beyond the site, being the land edged in green on the site plan attached to the permit.
- 2.2.2 The activities shall only be carried out on a main river floodplain.
- 2.2.3 The activities shall not be carried out within:
- (a) 500 metres upstream of a European designated nature conservation site, SSSI or National Nature Reserve, in each case notified for its freshwater habitats or species;
 - (b) 100m radius of a European designated nature conservation site, SSSI or National Nature Reserve, in each case notified for its freshwater habitats or species;

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- (c) 50 metres of a Local Nature Reserve, Local Wildlife Site, Ancient woodland or Scheduled Monument;
 - (d) 50m of an area identified as containing a Priority Habitat or Priority Species or Protected Species; and
 - (e) 8 metres of a flood defence structure, remote defence, sea defence, river control work or drainage work.

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 and animal diseases.

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 all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by the Environment Agency.

3.2 Reporting

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

3.3 Notifications

- 3.3.1 The Environment Agency shall be notified no less than 7 days before the commencement of the activities.
- 3.3.2 The Environment Agency shall be notified no less than 7 days after the activities are completed.
- 3.3.3 The Environment Agency shall be notified without delay following the detection of any 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.

3.4 Interpretation

3.4.1 In this permit the expressions listed below shall have the meaning given.

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.

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

"*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 Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- ; (c) cause pollution or;
- (d) otherwise adversely affect the protection and enhancement of the environment.

"*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.

"*year*" means calendar year commencing on 1st January.

"*the relevant fish breeding season*" means 15th March to 15th June for cyprinid waters; and 1st October to 31st May for salmonid waters.

"*salmonid waters*" and "*cyprinid waters*" respectively mean a water body classified under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 as supporting a sustainable fish population dominated by salmonid species or cyprinid species respectively within the meaning of the River Basin Districts Typology, Standards and Groundwater threshold values (Water Framework Directive (Standards and Classification) Directions (England and Wales) 2015).

“water body classified as having high morphological status” means a water body classified by the Environment Agency under the Water Framework Directive 2000/60/EC as having high status for hydromorphological quality elements within the meaning of the Water Framework Directive (standards and classification) Directions (England and Wales 2015).

“Rapid Response Catchment” means a group of rivers and streams (including smaller tributaries and ordinary watercourses) that we expect to react rapidly to extreme rainfall, resulting in extreme flash flooding. The Environment Agency maintains records of rapid response catchments that it updates from time to time.

“flood defence structure” means any permanent works constructed, operated or maintained by the Environment Agency for the purposes of managing flood risk.

“drainage work” means any work or works for the purpose of drainage (not limited to those constructed or operated or maintained by the Environment Agency) where drainage includes—

- (a) defence against water, including sea water;
- (b) irrigation other than spray irrigation;
- (c) warping; and
- (d) any other practice which involves management of the level of water in a watercourse.

“river control work” means any structure or appliance used for measuring or regulating—

- (a) the level of water in a main river;
 - (b) the flow of water in, into or out of, a main river; or
 - (c) the drawing of water from, or the delivering of water into, a main river,
- and includes any sluices, flood gates, lashers, valves, paddles, penstocks, locks, weirs, dams, pumps, pumping machinery and pipes

End of standard rules