NOTTINGHAM TRENT LEFT BANK FLOOD ALLEVIATION SCHEME

STATEMENT IN SUPPORT OF PLANNING APPLICATION TO BROXTOWE BOROUGH COUNCIL FOR PROPOSED FLOOD DEFENCE WORKS IN ATTENBOROUGH, EREWASH AND RYLANDS

FINAL VERSION

OCTOBER 2008
## CONTENTS

1. PROLOGUE ................................................................................................................................. 3  
   Other Consents ....................................................................................................................... 3

2. SCHEME BACKGROUND AND NEED .................................................................................. 4

3. PROPOSED DEVELOPMENT AND ELEMENTS REQUIRING PLANNING PERMISSION.. 6  
   Introduction .................................................................................................................................... 6  
   Planning Permission V. Permitted Development ....................................................................... 6  
   Effect Of Eia Regulations On ‘Pd’ ............................................................................................... 6  
   Summary Of Legal Context ........................................................................................................ 7  
   Proposed Development In Broxtowe Borough .......................................................................... 7  
   Erewash Area .............................................................................................................................. 8  
   Attenborough Area .................................................................................................................... 8  
   Rylands Area .............................................................................................................................. 9  
   Development Within Broxtowe Requiring Planning Permission ............................................. 10

4. PLANNING APPRAISAL ............................................................................................................. 12  
   Planning Policy Context ............................................................................................................ 12  
   Local Development Framework ............................................................................................... 12  
   How The Current Application Performs Against Planning Policy ........................................ 13  
   Eia Summary And Conclusions In Respect Of Broxtowe Reaches ......................................... 23

5. CONSULTATION ....................................................................................................................... 36  
   Attenborough Community Focus Group .................................................................................. 36  
   Consultation At Scoping Report Stage .................................................................................... 36  
   Consultation At Scheme Alignment Stage ................................................................................ 37  
   Consultation On The Revised Scheme ..................................................................................... 39  
   Consultation With Natural England And Nottinghamshire Wildlife Trust ............................. 39  
   Consultation Summary ............................................................................................................. 41

6. SUMMARY AND CONCLUSIONS ............................................................................................. 42

APPENDIX A

APPENDIX B
1. PROLOGUE

This statement is submitted in support of a planning application made by the Environment Agency (EA) to Broxtowe Borough Council for a flood alleviation scheme (FAS) to improve and extend flood defence works along the left bank of the River Trent. This statement forms part of the application and it is anticipated that it will be taken into account by statutory consultees, non-governmental organisations, local community groups and individuals who have an interest in the proposal or area of proposed development, as well as by Broxtowe Borough Council in its decision-making role as the local planning authority (LPA).

The EA are bringing forward an extensive package of works to help protect the City of Nottingham and its environs along the left bank of the River Trent from the worst excesses of flooding. The overall scheme extends across the administrative areas of four LPAs, and in addition to this planning application, scoping opinions have also been received from:

- Nottingham City Council – works constitute permitted development
- Gedling Borough Council – works constitute permitted development
- Erewash Borough Council – planning permission granted in 2007 is still valid and remainder of works constitute permitted development.

All four of the LPAs are aware that the entire FAS needs to be implemented if the flood alleviation measures are to be successful. Failure to secure planning permission for individual components of the scheme means that the whole project could be put at risk.

An Environmental Impact Assessment (EIA) has been carried out in respect of the overall scheme. This provides an objective assessment of the significant effects upon the natural, built and human environments. For the avoidance of doubt, this planning statement does not form part of the EIA process, but it does take into account, and summarise, key findings of the Environmental Statement (ES) which is also submitted as part of the planning application.

Other Consents

The overall FAS will require a number of consents, other than planning permission, to be obtained. These include, but are not restricted to:

- Land Drainage Consent - granted by the Environment Agency;
- Scheduled Monument Consent - granted by the Secretary of State for Culture, Media and Sport under the Ancient Monument and Archaeological Areas Act 1979;
- Listed Building Applications - made under the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) and granted by the LPA;
- Hedgerow Consent - in accordance with The Hedgerow Regulations 1997 - and granted by the LPA.

For the avoidance of doubt, this supporting statement does not cover the additional consents regime outlined above but deals primarily with those elements of the scheme within Broxtowe Borough that require planning permission.

Accordingly, this supporting statement covers the following:

- background, extent, and need for the scheme;
- ‘permitted’ development issues;
- development proposed within Broxtowe;
- development subject of this application;
- relevant development plan policies;
- key findings of the ES;
- consultations undertaken;
- summary.
2. SCHEME BACKGROUND AND NEED

Nottingham is the fastest growing city in England, and second fastest growing in the whole of the UK, behind only Glasgow. The floodplain of the River Trent in Nottingham contains over 22,000 properties at risk from a flood with a 1% (1 in 100) annual probability of occurring. 16,000 of these are on the left bank and 6,000 on the right bank.

Nottingham has a long history of flooding with notable events occurring in 1795, 1875 and 1947. The present defences were constructed during the 1950s after approximately 3,000 properties were flooded in the 1947 event.

In 2003 the Environment Agency embarked on a series of studies to investigate flood risk along a 200km length of the River Trent, between Stoke on Trent and Newark. It included a technical, environmental and economic appraisal of a number of options to reduce the flood risk. A final report on the study was issued in 2005.

In summary, the principal findings were that:

- the flood defences through Nottingham provide a relatively low standard of protection and some are in poor condition;
- raising existing defences or the building of new defences, as appropriate, is the preferred option;
- the best value for money would be achieved by protecting properties against a flood event with a 1% (1 in 100) annual probability of occurrence;
- there is considerable opportunity for environmental enhancement and improvement to leisure and recreation facilities along the river frontage.

In response to the findings of these reports the Environment Agency commissioned the Nottingham Left Bank Flood Alleviation Scheme (FAS) to appraise, and ultimately improve, flood protection along the River Trent’s Left Bank. The FAS included inspections of the existing defences, topographic surveys, ground investigations, computer modelling of the river, economic analyses and a review of options. The work confirmed that the standard of protection of the existing defences was low in places and that some of them are approaching the end of their useful life. Subsequently, a business case has been approved by the Environment Agency to undertake works to raise existing defences and, where required, construct new defences to protect 16,000 homes and businesses on the left bank of the River Trent against a flood with a 1% (1 in 100) annual probability of occurrence.

Work has been ongoing to establish an outline design for the works along the left bank of the River Trent and also those where the River Erewash joins the River Trent. During that time, considerable effort has been made to keep local residents and both statutory and non-statutory consultees involved in the decision making process.

The final alignment chosen is considered to be the best route possible having taken account of government policy, the consultation process, planning guidance and the many significant local constraints.

In April 2007 we published proposals for the Nottingham Trent Left Bank FAS and made two applications for planning permission, one to Broxtowe Borough Council and the other to Erewash Borough Council. In June 2007 we received planning permission from Erewash Borough Council. In November 2007, the planning application to Broxtowe BC was withdrawn when new information became available through the Greater Nottingham Strategic Flood Risk Assessment. This information has improved the accuracy of our flood predictions and this has resulted in some changes to the scheme. At the same time as we made our planning applications to Erewash and Broxtowe Borough Councils in April 2007 we also published an ES.
We have revised the document from April 2007 to produce a further ES for our current proposals.

The 27km length of the River Trent under consideration passes through the areas of four LPAs. The scheme has been split into four scheme areas which correspond to the LPA boundaries as illustrated in Figure 1. It is important to understand that the whole of the left bank of the River Trent through Nottingham is what is termed, a single flood cell. This means that flood waters entering at its upstream end could, in theory, flood the whole cell. Therefore, only upon completion of the entire works will all of the flood cell be protected.

Figure 1: Extent of the Nottingham Trent Left Bank Flood Alleviation Scheme
3. PROPOSED DEVELOPMENT AND ELEMENTS REQUIRING PLANNING PERMISSION

Introduction
This section looks at the planning context from both a legal and policy standpoint. A complex interrelationship of regulations dealing with both planning controls and EIA means that a lot of the development proposed by the Environment Agency does not require express approval from the LPA, and this aspect is discussed first.

Where planning approval does need to be obtained from the LPA, there is an extensive framework of statutory and advisory considerations that need to be taken into account in reaching a decision, and these are also discussed below.

Planning Permission v. Permitted Development
Most of the works proposed by the EA comprise engineering or building operations and therefore constitute ‘development’ as defined in S.55 of the Town and Country Planning Act 1990. By virtue of S.57 planning permission is required for those works.

That said, much of the works will constitute ‘permitted development’ (pd) by virtue of Parts 14 and 15 of the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418). These ‘pd’ rights are set out in Appendix A.

In addition, it will be noted that under the provisions of The Water Resources Act 1991, the EA has powers to maintain and improve main rivers for the efficient passage of flood flow and the management of water levels.

Effect of EIA Regulations on ‘pd’
In normal circumstances permitted development can be carried out without the express consent of the LPA. However, as this scheme constitutes an ‘EIA’ project, permitted development rights would normally be suspended via provisions of the EC Directives on Environmental Impact Assessment (Directive 85/337 as amended by Directive 98/11), together with the implementing national regulations, the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Notwithstanding the above, this ‘suspension of pd rights’ does not apply to “improvement works” carried out by the Environment Agency within the meaning of The Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (S.I. 1999/1783). (See interpretations in Appendix B).

Even where this exemption from the need to obtain planning permission from the LPA applies, it does not necessarily exempt the Environment Agency from the requirement to undertake EIA where projects are deemed likely to have significant environmental effects. The Regulations apply to specified land drainage projects in England and Wales (“improvement works”) for which the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) grants planning permission without any requirement for an application to be made under Part III of the Town and Country Planning Act 1990. The Regulations prohibit drainage bodies from carrying out improvement works unless specified conditions are met. First, the requirements of the Regulations must have been complied with, including the preparation of an "environmental statement" for the purposes of assessing improvement works which are likely to have significant effects on the environment. Secondly, in specified cases, the “appropriate Authority” (that is, in relation to England), the Minister of Agriculture, Fisheries and Food (now Secretary of State for Defra) must have given consent and the works must have been carried out in accordance with any conditions to which the consent is subject.
Summary of Legal Context
To summarise this somewhat complex relationship of permitted development and EIA projects, the position is this:

- using ‘permitted development’ rights, the Environment Agency can undertake a wide range of flood defence works without needing express approval from the LPA, even where an EIA project is involved;
- planning permission is required from the LPA where development does not fall within the provisions of either Part 14 or Part 15 of the GPDO 1995;
- where the Environment Agency proposes to undertake permitted development that forms part of an EIA scheme, an Environmental Statement must be prepared and advertised under the provisions of The Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999; and,
- where objections to the EIA scheme have not been resolved, the scheme needs to be referred to the Secretary of State (Defra) for approval.

Proposed Development in Broxtowe Borough
Within the Borough it is proposed to construct flood defences in the Erewash, Attenborough and Rylands areas that will result in an improved standard of protection for a total of 3,191 residential and business properties; refer to Figure 2. This has additional associated benefits to property value, development opportunities and reduced insurance premiums.

Figure 2: Nottingham Trent Left Bank FAS within Broxtowe Borough Council jurisdiction

Erewash Area
In the Erewash area there are currently only isolated sections of existing flood defences and the proposed works are required to prevent the River Trent from backing up the River Erewash and flooding properties within the scheme’s defended flood cell. It is important to note that the
proposed works within Erewash are designed to prevent flooding from the River Trent. The reduction of flood risk from the River Erewash will be an additional benefit to this primary purpose.

The proposal here is that new flood defences will be constructed for approximately 1km along the left bank of the River Erewash from the railway line upstream as far as the A6005, Nottingham Road. This includes a new 1m high flood defence wall within the gardens of 17 residential properties along the Nottingham Road and new embankments around Chilwell Retail Park and Toton sewage treatment works. These works are designed to prevent the River Trent backing up the Erewash and flooding properties within the area the scheme is intended to protect.

**Attenborough Area**

The Attenborough area consists mainly of the Attenborough Gravel Pits Site of Special Scientific Interest (SSSI) and Nature Reserve (Attenborough SSSI), Attenborough Village, the Cemex Works to the north of the village and the Long Lane residential area of Beeston. The village of Attenborough currently has no formal flood defences. A railway embankment acts as the flood defence for the communities of Long Eaton and Beeston but only protects against a flood with a 4% annual probability of occurrence.

The proposal here is to construct approximately 4km of new flood defences adjacent to the railway line from the River Erewash to Rylands, partly through the Attenborough Gravel Pits SSSI and incorporating Attenborough Village.

**Attenborough SSSI Section**

Here the line of the flood defences has been chosen, in consultation with Natural England, to minimise not only the permanent damage to the SSSI, but also the loss of floodplain storage. However, the scheme will still result in approximately 1.7 hectares of the SSSI being permanently lost. To mitigate against this the EA propose to carry out a package of environmental compensation works to the SSSI in agreement with both Natural England and Nottinghamshire Wildlife Trust. The package will include infilling pond margins to create reed beds and wet woodland, installing water control structures, reprofiling islands in the lakes, clearing vegetation, and providing fencing and otter holts.

The package of compensation works agreed with Natural England consists of the creation of 2.75ha of reedbed, for which planning permission has already been granted by Broxtowe Borough Council. This was to enable advance mitigation works and shows the Environment Agency’s commitment to delivering compensatory habitats. A further 2.4ha in Erewash Borough Council is due to be created at the same time. The balance remaining (4.65 ha) is to be delivered through the main part of the Nottingham Trent Left Bank FAS. A drawing showing the proposed types of fencing to be used throughout the compensation works is included with this application; refer to drawing number 108806-3900-0002.

**Attenborough Village Green Section**

The proposal here is to construct a flood defence wall along The Strand along the line of the existing hedge. The wall will be screened on the village side by a replacement hedge, and the reprofiling of the road will reduce the visible height of the wall to 1.5m on the roadside; refer to Figures 3 & 4.
Having regard for the need to preserve or enhance the character and appearance of the Conservation Area, the wall cladding will be chosen, in agreement with the LPA, to respect the area’s designated status. A locally sourced stone is proposed, accompanied by a new hedgerow of native species to be planted on the village side of the wall on the reinstated verge. Flood gates will be built into the wall to allow access to the Old Fisherman’s car park, the cricket pavilion, the Bowl’s Club, private residences and the SSSI.

Figure 4 illustrates how the wall and its associated landscaping will look.

It should be noted that the Attenborough Conservation Area extends beyond the Attenborough Village Green sports ground and includes the Old Fisherman’s car park area of the SSSI.

Rylands Area

Rylands is immediately downstream from the Attenborough SSSI. Currently flood protection in the Rylands area is provided by a combination of high ground and formal defences adjacent to the Siemens industrial site, but the existing flood defences in the vicinity of Beeston Lock do not provide flood protection against the flood event with a 1% annual probability of occurrence.

The proposal in the Rylands section is to raise approximately 1.5km of existing flood defences, construct approximately 650m of new wall and 100m of new embankment.
Development within Broxtowe Requiring Planning Permission

From discussions with the LPA, it is understood that the scheme elements set out in Table 1 will require formal planning approval. But this is subject to final verification.
<table>
<thead>
<tr>
<th>Area</th>
<th>Reach</th>
<th>Proposed Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erewash</td>
<td>3</td>
<td>• Section of new embankment between properties on A6005 Nottingham Road and Chilwell Retail Park.</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>• Several lengths of new embankment around Toton Waste Water Treatment Works.</td>
</tr>
<tr>
<td>Attenborough</td>
<td>5/6</td>
<td>• Short section of Barton Lane to be raised.</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>• Short section of flood wall (2m high) around the new flapped outfall and culvert between Barton Lane and Attenborough.</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>• New flood wall to the south of St Mary’s Church.</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>• New embankment in the field next to St Mary’s Church.</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>• A pumping station, with kiosk, at the south western corner of The Strand.</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>• New flood wall along the full length of The Strand.</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>• Flood wall along the railway north of Attenborough including the area around the new headwall (greater than 2m high in places).</td>
</tr>
<tr>
<td></td>
<td>6 - 10</td>
<td>• Compensation works in the Attenborough SSSI.</td>
</tr>
<tr>
<td>Rylands</td>
<td>12</td>
<td>• Length of flood wall to the west of Riverside Road.</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>• New section of embankment to tie in with existing embankment at Riverside Road.</td>
</tr>
</tbody>
</table>
4. PLANNING APPRAISAL

Planning Policy Context

This section outlines the planning policy context within which a decision on each planning application must be taken. Within the UK, planning policy, advice and guidance cascades down from national to local government levels with increasing degrees of detailed interpretation. Accordingly, there can be a range of both strategic and more detailed documentation that is not only important for the production of a statutory plan for an area, but also material for decision-makers charged with determining planning applications. Sources include:

- Ministerial Statements
- Planning Policy Guidance notes (PPGs) now being replaced by Planning Policy Statements (PPSs)
- Government Circulars
- Regional Planning Guidance (RPG)
- Regional Spatial Strategy (RSS)
- Development Plans including Structure and Local Plans, and
- Local Development Frameworks (LDF).

Local Development Framework

The Planning and Compulsory Purchase Act 2004 introduced major changes to the way the development plan system operates. It requires the eventual replacement of the Council’s Local Plan (adopted September 2004) with a new LDF. The LDF will comprise a number of Local Development Documents (LDDs). The LDF, together with the Regional Spatial Strategy, will provide the essential framework for planning and decisions on land-use and related matters (including, importantly, the basis for decision-making on planning applications) in Broxtowe Borough.

The Broxtowe Local Development Scheme (LDS) has been accepted by the Office of the Deputy Prime Minister and Planning Inspectorate and has been adopted by the Council. The scheme gives details of the documents that the Council will be preparing which form part of the overall LDF.

Table 2 includes a summary of more detailed applicable policies found within the Broxtowe Borough Council Local Plan. These policies have been saved by virtue of a letter dated 27th September 2007 from Government Office for the East Midlands (GOEM). The programme of work and details of individual documents given in the LDS, with expected dates of key milestones throughout the process, indicates when consultation stages are expected to take place.

By virtue of section 54(A) of the Town and Country Planning Act 1990, and reciprocal requirements of section 36 (6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. Following changes introduced by that latter Act, a development plan will comprise the relevant Regional Spatial Strategy (RSS) and Development Plan Documents (DPDs) contained in the Local LDF. Until new DPDs have been prepared, the existing Structure Plan and Local Plan continue to form part of the Development Plan.

Accordingly the development plan for Broxtowe comprises the Nottinghamshire and Nottingham Joint Structure Plan (February 2006) and the Broxtowe Local Plan (adopted September 2004), read together with the current Regional Spatial Strategy for the East Midlands (RSS8) published in 2005.
How the Current Application Performs Against Planning Policy

Table 2 assesses how the current application meets the requirements of each veneer of planning policy.

Environmental Impact Assessment

The principal aim of the EC Directives on EIA (85/337/EEC & 2001/42/EC) is to ensure that the authority giving the primary consent, in this case the LPA, makes its decision in the knowledge of any likely significant effects on the environment. EIA is a process of drawing together, in a systematic way, an assessment of the project’s likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope to reduce them, are understood by the public and the relevant competent authority before it makes its decision.

Flood defence schemes are considered to be ‘land drainage and flood relief works’ subject to Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (SI 99/293). Schedule 2 developments only require an EIA if they are likely to have significant effects on the environment by virtue of factors such as nature, size or location. As some parts of the FAS will be carried out using permitted development rights the ES has been produced not only in compliance with the above regulations but also The Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (S.I. No. 99/1783).

SI 99/1783 applies to improvements to existing land drainage infrastructure. The Regulations require that improvements which are likely to have significant environmental effects should be subject to an EIA and have an ES. The Environment Agency considered that due to the length of the scheme and its potential to have significant cumulative environmental effects, an EIA was required under SI 99/1783.

It should be noted that for land drainage improvement works that do not otherwise require planning permission, the permitted development rights are not lost if an ES is deemed necessary under the Land Drainage Improvement EIA Regulations.

A summary of predicted environmental impacts is set out in Table 3.
### Table 2: How the Current Application Performs Against Planning Policy

<table>
<thead>
<tr>
<th>Ministerial Statements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Statement</strong></td>
</tr>
<tr>
<td>David Miliband’s memorandum dated July 2006, setting out his key challenges upon accepting the post of Secretary of State for Defra</td>
</tr>
</tbody>
</table>

### PPGs and PPSs

<table>
<thead>
<tr>
<th>PPS1 Delivering Sustainable Development (Feb 2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy / Para.</strong></td>
</tr>
<tr>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PPS 9 Biodiversity and Geological Conservation (August 2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy / Para.</strong></td>
</tr>
<tr>
<td>Para 8</td>
</tr>
</tbody>
</table>
### PPG 15 Planning and the Historic Environment (1994)

<table>
<thead>
<tr>
<th>Policy / Para.</th>
<th>Provisions &amp; Requirements</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Emphasises the importance of protection for all aspects of the historic environment, including conservation areas, listed buildings and their settings.</td>
<td>In considering options for the route of the new flood defence components within Broxtowe, one of the key considerations was the need to balance impacts upon the Conservation Area at Attenborough Village with the Attenborough SSSI. The main impact will be from the wall along The Strand but this has been designed with external material to complement the character of the Conservation Area, replacement hedgerow and road repftiling.</td>
</tr>
</tbody>
</table>

### PPS 25 Development and Flood Risk

<table>
<thead>
<tr>
<th>Policy / Para.</th>
<th>Provisions &amp; Requirements</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>The approach of EA in bringing forward this flood alleviation scheme is wholly in keeping with government policy.</td>
</tr>
</tbody>
</table>

### East Midlands Regional Spatial Strategy (2005)

<table>
<thead>
<tr>
<th>Policy / Para.</th>
<th>Provisions &amp; Requirements</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 34</td>
<td>Regional Priorities for Strategic River Corridors Development Plans, future Local Development Frameworks, and other strategies of local authorities and other agencies should seek to protect and enhance the natural and cultural environment of the region’s strategic river corridors of the Nene, Trent, Soar, Welland, Witham, Derwent and Dove, along with their tributaries, and rivers which contribute to river corridors of a strategic nature in adjoining regions. Actions of agencies and other bodies including those of adjoining regions should be co-ordinated to maintain and enhance the multi-functional importance of strategic river corridors for wildlife, landscape and townscape, regeneration and economic diversification, education, recreation, the historic environment, including archaeology, and managing flood risk.</td>
<td>The current application is wholly consistent with this policy.</td>
</tr>
<tr>
<td>Policy 36</td>
<td>A Regional Approach to Managing Flood Risk</td>
<td>The approach of EA in bringing forward this flood alleviation scheme is wholly in keeping with government policy.</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Development Plans, future Local Development Frameworks, and strategies of relevant agencies should:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Be informed by the use of appropriate Strategic Flood Risk Assessments in order to evaluate actual flood risk and should include policies which prevent inappropriate development either in, or where there would be an adverse impact on, the coastal and fluvial floodplain areas;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Deliver a programme of flood management schemes that also maximise biodiversity and other regeneration benefits; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Require sustainable drainage in all new developments where practicable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development should not be permitted if, alone or in conjunction with other new development, it would:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Be at unacceptable risk from flooding or create such an unacceptable risk elsewhere;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Inhibit the capacity of the floodplain to store water;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Impede the flow of floodwater;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Have a detrimental impact upon ground water storage capacity;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Otherwise unacceptably increase flood risk; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Interfere with coastal processes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>However, such development may be acceptable on the basis of conditions or agreements for adequate measures to mitigate the effects on the overall flooding regime, including provision for the maintenance and enhancement (where appropriate) of biodiversity. Any such measures must accord with the flood management regime for that location.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategic flood risk assessments should be carried out where appropriate to inform the implementation of this policy.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Nottinghamshire and Nottingham Joint Structure Plan (February 2006)

<table>
<thead>
<tr>
<th>Policy / Para.</th>
<th>Provisions &amp; Requirements</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 1/1</td>
<td><strong>Sustainable Development</strong>&lt;br&gt;All new development must work towards the principles of sustainability. The County and City Councils will promote sustainable development through adopting the sequential approach to the location of development set out in RSS8 and by encouraging: &lt;br&gt; a) a range of quality employment land to promote economic growth and appropriate employment opportunities (Policy 4/1); &lt;br&gt; b) an integrated transport network to support new development whilst reducing the need to travel, especially by private car (Policy 5/1); &lt;br&gt; c) a range of services and facilities to support business and to meet the needs of communities; &lt;br&gt; d) as a priority, development to improve the economy, services and environment in disadvantaged areas and those with high levels of social need; &lt;br&gt; e) the protection and enhancement of the distinctive landscape character, built environment and cultural heritage of the Plan Area (Policies 2/7, 2/10, 2/11 and 2/12); &lt;br&gt; f) the protection and enhancement of the Plan Area’s biodiversity to ensure no net loss of Biodiversity Action Plan habitats, and opportunities sought to achieve a net gain (Policy 2/1); and &lt;br&gt; g) all development to be of a high standard of design and energy efficient.</td>
<td>The proposed scheme will underpin policies for achieving sustainable development, reducing the risk for existing developments and ensuring future proposals can be accommodated without encountering current flood risk.</td>
</tr>
<tr>
<td>Policy 2/1</td>
<td><strong>Sustaining Biodiversity</strong>&lt;br&gt;Planning permission will not be granted for development which will adversely affect the integrity or continuity of landscape features which are of major importance for wild flora and fauna and habitats and species identified in the UK and Nottinghamshire Local Biodiversity Action Plans, unless an overriding need for the development is demonstrated which clearly outweighs the nature conservation value of the habitat or species. Appropriate management of these features will be encouraged through the use of conditions, planning obligations and management agreements.&lt;br&gt;An assessment of sites with the potential for nature conservation interest will be required prior to the determination of applications. Where planning permission is granted and harm cannot be avoided or mitigated, conditions will be used and/or planning obligations will be sought for the creation of an equivalent (or greater) feature that would make a positive contribution towards the targets of the Biodiversity Action Plan.</td>
<td>The Environmental Statement accompanying the planning application has assessed impact upon the landscape, flora and fauna and determined that there are no impacts of such significance as would warrant refusal of this scheme. The scheme has been carefully designed to minimise any visual impact on priority areas.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Policy 2/3</td>
<td><strong>Sites of Special Scientific Interest</strong>&lt;br&gt;Development in or likely to affect Sites of Special Scientific Interest will be subject to special scrutiny. Where such development may have an adverse effect, either directly, or indirectly, on the special interest of the site, planning permission will not be granted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard such sites.&lt;br&gt;Where planning permission is granted, conditions will be used and/or planning obligations will be sought to provide appropriate mitigation and compensation measures.</td>
<td>Development will take place in a SSSI only where no practical alternative exists. Appropriate mitigation has been negotiated with Natural England and Nottingham Wildlife Trust.</td>
</tr>
</tbody>
</table>
### Trees and Woodlands

Planning permission for development which would result in the loss of areas of trees or woodlands, including ancient woodland, amenity (parkland) trees or individual street trees in both urban and rural areas, will be permitted only where an overriding need for the development can be demonstrated which clearly outweighs the loss of the trees or woodlands.

Where such a need is demonstrated, conditions will be used and/or planning obligations will be sought to secure the creation of at least an equivalent area of new tree or woodland planting.

Tree planting will be encouraged, where appropriate, through development proposals in the Greenwood Community Forest and Sherwood Forest areas for nature conservation, timber production, recreation, tourism and amenity purposes.

The scheme minimises tree loss and when tree loss cannot be avoided, compensatory trees will be replanted once the works have been completed.
Policy 2/12

**Historic Character**

Local planning authorities will protect and enhance the historic and architectural character and appearance of the landscape of the Plan Area. Permission will not be granted for development within Historic Parks and Gardens, Historic Battlefields and other areas designated for special protection except where it demonstrably conserves and enhances the characteristics of these areas. The protection and enhancement of the historic character will be achieved through:

a) the protection and maintenance of buildings listed as of special architectural, historic or landscape importance, including their settings;
b) the identification, protection and maintenance of other individual and groups of buildings which are important for their local architectural distinctiveness, or historic significance;
c) the identification, maintenance and enhancement of other locally distinctive and culturally important aspects of the historic environment;
d) the designation, enhancement and preservation of Conservation Areas and their settings;
e) sensitively designed environmental improvement and traffic management schemes in Conservation Areas and other appropriate areas;
f) finding appropriate alternative uses for, and the restoration of, listed or other buildings worthy of retention; and
g) informed design of new development.

In considering options for the route of the new flood defence components within Broxtowe, one of the key considerations was the need to balance impacts upon the Conservation Area at Attenborough Village with the SSSI at the Attenborough Nature Reserve.

The main impact will be from the wall along The Strand but this has been designed with external material to complement the character of the Conservation Area.

Policy 2/13

**River Corridors**

Local planning authorities will seek to maintain and enhance the multifunctional importance of the River Trent and its tributaries (including the Idle, Leen, Maun and Meden). The consideration of development proposals will have regard to the contribution that they would make to the improvement of biodiversity, landscape character, recreational opportunities and regeneration.

The principal purpose of the proposed works is flood protection of properties. However, where possible the amenity value of the area will be improved or maintained by the scheme.
Planning Statement

Environment Agency

Nottingham Trent Left Bank FAS

Policy 2/16

Flood Protection and Flood Risk Reduction

Local planning authorities will apply the risk based approach of Planning Policy Statement Note 25 ‘Development and Flood Risk’ (PPS25) in allocating sites for development and in the consideration of planning applications.

Adequate measures will be put in place to mitigate the effects of any development activity in areas at direct risk from flooding, or which would be likely, individually or cumulatively, to increase the number or extent, of people, land or properties at risk of flooding elsewhere. In addition local planning authorities will seek to negotiate with developers, wherever possible, in order to achieve developments which provide for an overall reduction in existing levels of flood risk.

In all areas proposals will, where appropriate, incorporate sustainable drainage systems and provision for their maintenance.

The proposed flood alleviation scheme will contribute to the Environment Agency’s statutory role in protecting areas from flood risk. Once implemented, the Environment Agency will be able to predict more robustly any remaining indicative flood risk areas.

Broxtowe Local Plan (Adopted September 2004)

<table>
<thead>
<tr>
<th>Policy / Para.</th>
<th>Provisions &amp; Requirements</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy E3</td>
<td>Planning permission will only be granted for development within or in the vicinity of a conservation area which preserves or enhances the character and appearance of the area having regard to its location, scale, design and materials.</td>
<td>In considering options for the route of the new flood defence components within Broxtowe, one of the key considerations was the need to balance impacts upon the Conservation Area at Attenborough Village with the Attenborough SSSI. The main impact will be from the wall along The Strand. Having regard for the diverse range of walled enclosures within the village the refined design of the proposed wall will reflect the character and appearance of the Conservation Area. The road will be reprofiled to reduce the visual height of the wall and it will also be screened by a replacement hedge on the reinstated road verge.</td>
</tr>
</tbody>
</table>
Policy E16 | Planning permission will not be granted for development on or adjoining local nature reserves or Sites of Importance for Nature Conservation, which would damage or devalue their interest, unless there are special reasons which outweigh the recognised value of the sites. Where it is accepted that there are special reasons for development which outweigh the local value of the site, the applicant shall minimise harm to the site’s features. Compensation for the loss of the site’s features of interest will be required, secured by planning conditions or negotiated planning obligations. Wherever opportunities arise, appropriate measures should be taken to enable the improvement or creation of Sites of Importance for Nature Conservation. | The route and design of the overall scheme has evolved to reduce impact on SINCs. |
EIA Summary and Conclusions in Respect of Broxtowe Reaches

Extracts from the Environmental Statement for the Attenborough, Erewash and Rylands reaches of the scheme are included in Table 3. In essence, they demonstrate that all the potential significant environmental impacts have been ascertained, assessed and where necessary will be mitigated to a degree that will allow the development to proceed. The residual impacts of the proposed scheme are also included in Table 3.

Once completed, the proposed scheme will reduce the risk of flooding to Attenborough, Erewash and Rylands, the City of Nottingham and other suburbs. This is a major permanent beneficial effect.

The adverse impacts of the scheme relate mainly to the construction phase of the works. There will be human-related disturbance in the form of general construction activities, noise and reduced pedestrian and vehicular access to The Strand. Several Public Rights of Ways, including two bridleways, and the Nottingham and Beeston Canal will be temporarily closed during the works, which will impact on local residents and recreational users. However, wherever possible mitigation measures will be put in place to reduce the disturbance and disruption.

Construction and site clearance within the Attenborough SSSI adjacent to Reaches 5 to 10 will have an adverse impact on the habitats and species. Whilst temporary working areas can be re-seeded with grassland, wet woodland loss is considered permanent. Further habitat loss within the SSSI will be in the form of permanent land take for the defence and also the permanent maintenance easement where the growth of scrub and woodland will be prevented. However, mitigation measures in and around the SSSI and other additional habitat creation in the local area, will reduce the significance of the impact and ensure that there will be no significant adverse impact on the features of interest in the SSSI. As the defence is along the perimeter of the site there would be no impact on the connectivity of habitats within the SSSI and the majority of areas will remain undisturbed during the defence construction.

The adverse landscape impacts upon the affected residential properties in Attenborough Village, Nottingham Road and the Beeston Marina and Mobile Home Complex will be mitigated through full reinstatement of gardens and sensitive detailed design. Planting a hedgerow in front of the proposed wall in Reach 8 – The Strand, locally reprofiling the ground and cladding in local stone appropriate to the area will all help to reduce the impact on the local landscape character.

Cultural heritage and archaeological features, such as the Fishponds Scheduled Monument in Reach 7 may be impacted during the construction works. However, the impact on these features will be mitigated through using a restricted working area adjacent to the Scheduled Monument and a watching brief during any excavations. Thus, the scheme is considered to have a limited impact on these features.

The Environmental Action Plan (Environmental Statement, Volume 1) sets out objectives, actions and targets which will be monitored throughout the detailed design, construction and post-construction stages of the project to ensure that the mitigation/compensation measures outlined in the ES are carried out. It also details the roles and responsibilities of those involved, and refers to all temporary and permanent works.
Table 3: Summary of Environmental Impacts for Attenborough, Erewash and Rylands (extracted from Appendix B of the Environmental Statement)

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Impact Description</th>
<th>Magnitude and Significance of Impact before Mitigation</th>
<th>Mitigation Measures</th>
<th>Residual Impact</th>
</tr>
</thead>
</table>
| **CONSTRUCTION IMPACTS** | Impact on local properties as a result of construction activities in close proximity | Minor to moderate adverse and short-term | • Liaison with residents.  
 • Minimise working areas within private properties.  
 • Full re-instatement of gardens.  
 • Alternative access arrangements; refer to ES Appendix B Section B2.2. | Minor to moderate adverse and short-term |
| | Impact on businesses as a result of construction related activity in close proximity | Minor to moderate adverse and short-term | • Liaison with local businesses. | Minor to moderate adverse and short-term |
| | Impact on local farming and commerce as a result of construction activities | Minor adverse and short-term | • Liaison with affected landowners. | Minor adverse and short-term |
| | Impact on sensitive sites as a result of construction activities occurring in close proximity | Minor to moderate adverse and short-term | • Liaison with St. Mary’s Church and its users.  
 • Suitable access arrangements agreed with Attenborough Preparatory School. Alternative nearby recreation facilities sought for school’s use; refer to ES Appendix B Section B2.2.2.  
 • No construction activity during annual village fete, biennial flower festival and Christmas Bazaar.  
 • Liaison with Rylands allotment plot holders adjacent to works area for Reach 12 and adequate advance notification of works. | Minor adverse and short-term |
<table>
<thead>
<tr>
<th>Receptor</th>
<th>Impact Description</th>
<th>Magnitude and Significance of Impact before Mitigation</th>
<th>Mitigation Measures</th>
<th>Residual Impact</th>
</tr>
</thead>
</table>
|          | Impacts on local recreational resources as a result of construction activities      | Moderate to major adverse and short-term              | • Formal closure and temporary diversion where possible of footpaths and bridleways with clear signage provided.  
• Ensure access is maintained to Attenborough Sailing Club and Attenborough SSSI during works in Reaches 5 and 6.  
• Alternative nearby football and cricket pitches sought for works to The Strand (Reach 8).  
• Carrying out works to the Beeston Lock gates during low-season (October to January) with a break in works over the Christmas holidays, to minimise impact on canal users.  
• Reduce the working area for Reach 11 and carry out works during winter months to minimise impact on golfers. Ensure advance notification of works | Minor to moderate (at Attenborough Village Green and for the canal closure) adverse and short-term |
<p>| | | | | |
|          |                                                                                   |                                                       |                                                                                                                                                                                                                                                                                                                                                     |                 |
|          | OPERATIONAL IMPACTS                                                              |                                                       |                                                                                                                                                                                                                                                                                                                                                     |                 |
|          | Impacts on local population as a result of reduction in flood risks               | Moderate beneficial and permanent                    | No mitigation required.                                                                                                                                                                                                                                                                                                                             | Moderate beneficial and permanent |
|          | Impact on villages outside the scheme area                                       | Moderate adverse and permanent                       | Refer to Section 8, Volume 1.                                                                                                                                                                                                                                                                                                                         |                 |
|          | Impact on flood regime as a result of local recreational resources and sensitive sites being outside new defences | No significant impact.                              | No mitigation required                                                                                                                                                                                                                                                                                                                              | None            |</p>
<table>
<thead>
<tr>
<th>Receptor</th>
<th>Impact Description</th>
<th>Magnitude and Significance of Impact before Mitigation</th>
<th>Mitigation Measures</th>
<th>Residual Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>CONSTRUCTION IMPACTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
|          | Attenborough SSSI – site clearance and construction of defences including associated pollution risks and potential impacts on hydrology | Moderate adverse and short-term to permanent | • Areas of temporary works to be reinstated.  
• Remaining area of SSSI will have habitat creation.  
• Detailed mitigation method statement to be agreed in advance of works with NE/NWT/Cemex.  
• Wall facing to be ‘rough’ to allow small mammals to climb to escape floods, limited use of overhanging coping. Access also possible along the floodplain and over level-crossings.  
• Localised use of geotextile or Phos-lock to be discussed with NE.  
• Pollution control/good working practice.  
• Long-term monitoring of groundwater.  
• Compensatory habitat creation in SSSI and around the scheme (Refer to ES Appendix F). | Minor to moderate adverse in the short and medium-term |
|          | Attenborough SSSI - Site clearance and construction of compensatory habitat | Moderate adverse and medium-term | Detailed mitigation method statement to be agreed in advance with NE/NWT/Cemex but to include pollution control, protected species, surveys, appropriate timing of works, etc. | Moderate adverse in short-term  
None in medium-term  
Moderate beneficial in long-term |
|          | Attenborough Pastures SINC – pollution from construction | Minor adverse and short-term | Pollution control/ good working practice | None in the medium to long-term |
|          | Trees - Site clearance and construction | Moderate adverse and permanent | Detail design to retain as many trees as possible. Working width to be reduced where practical to retain trees. Retained trees to be fenced off. No works within tree canopy where practical. BS5837 guidance to be followed. Replacement and supplementary planting. | Minor adverse in long term  
None permanent |
<table>
<thead>
<tr>
<th>Receptor</th>
<th>Impact Description</th>
<th>Magnitude and Significance of Impact before Mitigation</th>
<th>Mitigation Measures</th>
<th>Residual Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLORA AND FAUNA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hedgerows – Site clearance and construction</td>
<td>Moderate adverse and short to long-term</td>
<td>Hedges replanted next to defence with mix of locally native species.</td>
<td>None in long-term</td>
<td></td>
</tr>
<tr>
<td>Birds – Site clearance and construction</td>
<td>Moderate adverse and short to long-term</td>
<td>Vegetation clearance to be undertaken outside of breeding bird season. Work within most sensitive lakes of SSSI carried out outside of breeding season. All vegetation in temporary working areas to be reinstated. Compensatory habitat measures within SSSI will create additional habitat in the medium to long term.</td>
<td>Minor adverse in short-term</td>
<td></td>
</tr>
<tr>
<td>Bats – Site clearance and construction</td>
<td>Minor adverse and medium-term to permanent</td>
<td>Further survey prior to construction phase. If bats confirmed, licence to be obtained and mitigation strategy agreed with NE. Compensatory habitat to include replacement planting and erection of bat boxes in local area.</td>
<td>Minor adverse in short-term</td>
<td></td>
</tr>
<tr>
<td>Otters – Construction disturbance</td>
<td>Minor adverse and short-term</td>
<td>Pre-construction surveys to ensure no holts or resting places have been established in the interim period which could be disturbed by the works.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Receptor</td>
<td>Impact Description</td>
<td>Magnitude and Significance of Impact before Mitigation</td>
<td>Mitigation Measures</td>
<td>Residual Impact</td>
</tr>
<tr>
<td>----------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Water Voles – Site clearance and construction disturbance</td>
<td>No significant impact</td>
<td>Pre-construction surveys. Design and re-instatement of banks to improve water vole habitats.</td>
<td>None May be minor beneficial in medium term due to improved habitat</td>
</tr>
<tr>
<td></td>
<td>Amphibians – site clearance and construction</td>
<td>No significant impact</td>
<td>Further survey required at Cemex pond to confirm population of smooth newts. Depending on findings, mitigation to be agreed with County Ecologist. May involve trapping/translocation.</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Invertebrates – site clearance</td>
<td>Minor adverse and medium-term</td>
<td>• Areas of temporary works to be reinstated. • The general mitigation/compensatory habitat measures proposed within the SSSI would be valuable for invertebrates. • Detailed mitigation method statement to be agreed in advance of works with NE/NWT/landowner.</td>
<td>Minor adverse – in medium term None – in the long term</td>
</tr>
<tr>
<td></td>
<td>OPERATIONAL IMPACTS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Holme Pit and Attenborough SSSIs – Flood protection to left bank</td>
<td>No significant impact</td>
<td>None required.</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Holme Pit and Attenborough SSSIs – Maintenance of an easement/access adjacent to defence</td>
<td>Impacts are incorporated into construction impacts as above</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>SINC – Flood protection to left bank</td>
<td>No significant impact</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receptor</td>
<td>Impact Description</td>
<td>Magnitude and Significance of Impact before Mitigation</td>
<td>Mitigation Measures</td>
<td>Residual Impact</td>
</tr>
<tr>
<td>----------</td>
<td>--------------------</td>
<td>------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td></td>
<td>CONSTRUCTION IMPACTS</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
|          | Construction site noise | Moderate to major adverse and short-term | • Temporary fixed plant to be positioned as far as practically possible away from residential properties and screened to reduce noise emissions.  
• Liaison with residents and local businesses.  
• Site specific measures detailed in the EAP; refer to ES Volume 1, Section 13.                                                                                                                                                                                               | Minor to moderate adverse and short-term |
|          | Sheet Piling Noise and Vibrations | Moderate to major adverse and short-term | • Liaison with residents and local businesses.  
• Pre-works condition survey of all properties that are within 20m of sheet piling.  
• A structural engineer to assess what the maximum tolerance level of vibration is for these buildings.  
• Use of appropriate piling rigs within noise sensitive areas and/or close to residential areas.  
• Continuous vibration monitoring during sheet piling.  
• The vibration of the hammer will be regulated by the operator to ensure that a careful balance between work output and noise/vibration is reached.  
• Piling plant will be well maintained to ensure unnecessary vibration or noise from exhaust systems or loose panels is eliminated.  
• Training in the form of site inductions and tool box talks will reflect the need for consideration of noise issues such as switching off plant that is not in use, keeping engine covers closed, reporting defects and avoiding shouting and slamming of vehicle doors especially during out of hours working. | Moderate to major adverse (for properties within 50m of sheet piling activities) and short-term |
|          | Construction Traffic Noise | See Traffic & Transpor | No significant impacts have been identified |                                                                                                                                                                                                                                                                                                                                 |                 |
### CONSTRUCTION IMPACTS

#### AIR QUALITY

- **Impact on the local environment from dust generating activities**
  - Magnitude and Significance: Moderate adverse and short-term
  - Mitigation Measures:
    - Site specific measures detailed in the EAP; refer to ES Volume 1, Section 13.
    - Adhere to the CIRIA Guidelines ‘Environmental Good Practice on Site’ (2005); refer to ES Volume 1 Section 7.7.5.
  - Residual Impact: Minor adverse and short-term

- **Impact on the local environment from construction plant and vehicle emissions**
  - Magnitude and Significance: Minor adverse and short-term
  - Mitigation Measures:
    - As above plus:
      - Use of alternative products, systems, or materials where practicable, such as mains electricity in preference to a diesel generator and pre-mixed materials rather than mixing on site.
  - Residual Impact: None

### OPERATIONAL IMPACTS

*No significant impacts have been identified*

### LANDSCAPE AND VISUAL AMENITY

#### CONSTRUCTION IMPACTS

- **The introduction of new small-scale elements within the existing landscape**
  - Magnitude and Significance: Moderate/ major adverse
  - Mitigation Measures:
    - Cladding in materials that are characteristic to the area.
    - Where no cladding is proposed ensure a good concrete finish.
    - Planting to screen new floodwalls where appropriate.
    - Integrated seating and cladding on village green side of the wall along The Strand
  - Residual Impact: Moderate adverse

- **The introduction of a new landform element within the existing landscape**
  - Magnitude and Significance: Minor/ moderate adverse
  - Mitigation Measures:
    - Tree, scrub and hedgerow planting to screen views of proposed embankment.
    - Where possible introduce varying slope gradients and profile.
  - Residual Impact: Minor/ moderate adverse

- **An increase in the height and overall footprint of existing embankments**
  - Magnitude and Significance: Minor adverse
  - Mitigation Measures:
    - Ensure raised embankments blend into their landscape setting through landform design and reinstatement grass seeding. Where it does not compromise operational requirements appropriate planting may be utilised to reduce the visual impact.
  - Residual Impact: Minor/ negligible adverse
<table>
<thead>
<tr>
<th>Receptor</th>
<th>Impact Description</th>
<th>Magnitude and Significance of Impact before Mitigation</th>
<th>Mitigation Measures</th>
<th>Residual Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Slight foreshortening of views over existing defences to be raised and/or over new</td>
<td>Moderate/major adverse</td>
<td>• Raising of the road to reduce the visual impact of the wall for users of The Strand</td>
<td>Moderate/major adverse</td>
</tr>
<tr>
<td></td>
<td>defences</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
|          | Increased road and footpath levels that must be graded into the surrounding         | Minor/ moderate adverse                                 | • Grade ramps so that a smooth road surface is achieved.  
• Ensure all existing access points are maintained.  
• Minimise disruption to existing vehicular and pedestrian movements during the construction phase.                                                 | Negligible adverse |
|          | pavement surfaces                                                                   |                                                        |                                                                                                                                                                                                                     |                 |
|          | Removal of existing trees                                                           | Moderate adverse                                       | • Where proposed works are in close proximity to trees of high landscape value ensure the construction process minimises any potential damage to root systems.  
• Where it does not compromise operational requirements trees removed due to construction should be replaced.                                              | Minor adverse   |
|          | Impact on residential properties                                                    | Moderate/ major adverse                                | • All affected areas of residential properties to be reinstated in agreement with the individual property owners.                                                                                                       | Moderate adverse |
|          | Disturbance as a result of temporary construction activities                        | Moderate/ major adverse                                | • Where possible locate construction compounds and storage areas away from sensitive residential receptors and adjacent to suitable vehicle access points.  
• Reinstate all areas affected by the works to their former land use and at least the same condition.                                                                                  | Negligible       |

**LANDSCAPE AND VISUAL AMENITY**

**OPERATIONAL IMPACTS**

*No significant impacts identified*
<table>
<thead>
<tr>
<th>Receptor</th>
<th>Impact Description</th>
<th>Magnitude and Significance of Impact before Mitigation</th>
<th>Mitigation Measures</th>
<th>Residual Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATER</td>
<td><strong>CONSTRUCTION IMPACTS</strong></td>
<td></td>
<td></td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Pollution risk from construction activities near to watercourses and waterbodies</td>
<td>Moderate to major adverse and short-term</td>
<td>• Adhere to Environment Agency’s PPGs.</td>
<td>None</td>
</tr>
</tbody>
</table>
|          | Disruption to potable and foul water pipeline from construction activities          | Minor adverse and short-term                         | • Advance notice to water customers of disruption to supply.  
• Good planning to minimise period of disruption.                                                                                                                                                                   | Minor adverse and short-term moderate adverse |
| WATER    | **OPERATIONAL IMPACTS**                                                            |                                                      |                                                                                                                                                                                                                     | None            |
|          | Maintenance of new and raised flood defences and structures                          | No significant impact                                 | None required.                                                                                                                                                                                                     | None            |
|          | Impacts on local surface water drainage                                            | Minor adverse and permanent                          | Construction of pumping station to over-pump any surface water on the dry side of the flood defences at The Strand.                                                                                                      | None            |
|          | Impact on the River Erewash                                                         | No significant impact                                 | None required.                                                                                                                                                                                                     | None            |
|          | Impact on villages outside the scheme area                                          | Moderate adverse and permanent                        | Refer to ES Volume 1, Section 8, and Human Population above.                                                                                                                                                        |                 |
| TRAFFIC & TRANSPORT | **CONSTRUCTION IMPACTS**                                                              |                                                      |                                                                                                                                                                                                                     | None            |
|          | Impact on local roads due to construction traffic                                   | Moderate adverse and short-term                       | • Develop a TMP; refer to ES Volume 1, Section 7.10.5.  
• To avoid increasing traffic flows on main roads at peak hours - time deliveries of materials to the main site compounds between 9am and 4.30pm.  
• To minimise disturbance to sensitive residential areas agree alternative arrangements to The Strand; refer to ES Appendix B, Section B2.2.2.  
• To minimise heavy vehicle movements through Attenborough village use of the Old Fisherman’s Car Park as a materials storage area. | Minor adverse and short-term                     |
<table>
<thead>
<tr>
<th>Receptor</th>
<th>Impact Description</th>
<th>Magnitude and Significance of Impact before Mitigation</th>
<th>Mitigation Measures</th>
<th>Residual Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRAFFIC &amp; TRANSPORT</td>
<td>Impact due to local road raising and construction activities requiring road closures</td>
<td>Major adverse and short-term</td>
<td>• Develop a TMP; refer to ES Volume 1, Section 7.10.5.</td>
<td>Minor adverse and short-term</td>
</tr>
<tr>
<td></td>
<td>Impact on operation of railway network due to construction works adjacent to railway line</td>
<td>Moderate adverse and short-term</td>
<td>• Appropriate approvals from Network Rail.</td>
<td>Minor adverse and short-term</td>
</tr>
<tr>
<td>OPERATIONAL IMPACTS</td>
<td>Impact of new and raised defences on local transport infrastructure</td>
<td>Moderate beneficial and permanent</td>
<td>No mitigation required.</td>
<td>Moderate beneficial and permanent</td>
</tr>
</tbody>
</table>
| CONSTRUCTION IMPACTS | Impact on archaeology due to construction activities | Minor to moderate adverse and permanent | • A detailed mitigation strategy agreed with archaeological officers and English Heritage.  
• Adhere to CIRIA Guidelines ‘Environmental Good Practice on Site’ (2005); refer to ES Volume 1 Section 7.11.5.                                                              | None |
| CULTURAL HERITAGE AND ARCHAEOLOGY | Impact on the historic environment as a result of the reduction in flood risk | Minor beneficial and permanent | No mitigation required                                                                                                                                                                                               | Minor beneficial and permanent |

Environment Agency
<table>
<thead>
<tr>
<th>Receptor</th>
<th>Impact Description</th>
<th>Magnitude and Significance of Impact before Mitigation</th>
<th>Mitigation Measures</th>
<th>Residual Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SOIL, GEOLOGY AND HYDROGEOLOGY</strong></td>
<td><strong>CONSTRUCTION IMPACTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Compaction of soil structure due to construction activities</td>
<td>Minor adverse and medium-term</td>
<td>• Restoration of ground conditions following completion of works e.g. rotovating and stripping the topsoil in advance of the works, careful storage during the works and reinstatement on completion. • Adhere to the CIRIA Guidelines ‘Environmental Good Practice on Site’ (2005); refer to ES Volume 1, Section 7.12.5.</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Contamination of soil and groundwater due to construction</td>
<td>Minor adverse and short-term</td>
<td>• Follow Environment Agency’s ‘Policy and Practice for the Protection of Groundwater. • Adhere to the CIRIA Guidelines ‘Environmental Good Practice on Site’ (2005); refer to ES Volume 1, Section 7.12.5.</td>
<td>None</td>
</tr>
<tr>
<td><strong>OPERATIONAL IMPACTS</strong></td>
<td>Impact of the sheet pile cut-off on groundwater flows</td>
<td>Minor adverse and permanent</td>
<td>• Ongoing monitoring of groundwater levels.</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Impact of increased surface water flow</td>
<td>No significant impact</td>
<td>No mitigation required</td>
<td>None</td>
</tr>
<tr>
<td><strong>CONSTRUCTION IMPACTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>LAND USE</strong></td>
<td>Loss of land and associated productivity/disruption to industry</td>
<td>Minor adverse and short-term to permanent</td>
<td>• The Environment Agency land agents will discuss loss of grazing land with St. Leonard’s Riding School. • Disturbed structures such as fences, hedges, ditches and water-troughs will be reinstated as soon as possible after construction.</td>
<td>None</td>
</tr>
<tr>
<td><strong>OPERATIONAL IMPACTS</strong></td>
<td>Decrease in available floodplain</td>
<td>Refer to ES Volume 1, Section 8 and ‘Human Population’ above.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
This page is left blank intentionally
5. CONSULTATION

Throughout the evolution of the scheme large numbers of consultees were identified. A 'communications plan' divided these consultees into the following seven groups:

- The Environment Agency (Internal Stakeholder)
- Statutory Consultees
- Public Sector Governance
- infrastructure
- recreation
- private sector
- community sector
- landowners.

Appendix E of the ES contains full details of the consultation process but, in summary, consultation on flood risk management for Nottingham comprised the following stages:

- Fluvial Trent Strategy - March 2005 (300 copies of the report issued);
- Masterplan and Constraints Plan - August 2005 (drawings sent to key stakeholders);
- Scoping Report - November 2005 (1000 copies of the report sent out; 1500 copies of Non-Technical Summary issued and two public exhibitions held);
- Screening Opinion - November 2005 to November 2006;
- Scheme Alignment Leaflet - August 2006 (over 2000 leaflets issued).

Attenborough Community Focus Group

Of particular relevance to the application being submitted to Broxtowe Borough Council is the degree of consultation undertaken with people and focus groups in relation to the stretch of works through Attenborough. The sensitive setting of the Attenborough SSSI and the Conservation Area status of the adjacent village became evident very early in the scheme development. Accordingly, an in-depth consultation exercise was undertaken with the Attenborough residents, Natural England, Nottinghamshire Wildlife Trust and Broxtowe Borough Council.

A Public Involvement Consultant was recruited who advised establishing an Attenborough Community Focus Group (Focus Group) to broadly reflect community interest. Therefore, a group of approximately 30 individuals was recruited on a voluntary basis, their role being to:

- provide feedback and insight from the local community to the Scoping Report;
- identify local issues and constraints that exist;
- act as a sounding board for the initial local proposals, and
- provide feedback to the wider community about the initial proposals and the project process to be followed.

The Focus Group members do not formally represent any organisation or sector of the local community but volunteered to participate in the process to reflect their experience and interest within the community.

Consultation at Scoping Report Stage

The Focus Group met with the Nottingham Trent Left Bank FAS project team three times during January 2006. All meetings were initially tape recorded to provide an accurate record of the meeting. These were used to produce meeting notes which were issued in draft form to all participants for agreement that they represented an appropriate record. Meeting notes highlighted those participants present, feedback from discussions and a summary of the questions asked. No comments or views were attributed to specific individuals.
Meeting 1: Thursday 12th January 2006, Village Hotel Attenborough.
This was to provide background to the project to ensure that everyone had an opportunity to understand the rationale behind the project, the role of the Environment Agency, and the process that would follow to deliver this type of project.

Meeting 2: Saturday 14th January 2006, Village Hotel Attenborough and site visit
This looked at flood defence structures, what they are, what they look like. It included a site visit to the existing flood defences at Wilford, which is also a Conservation Area, followed by a walk around Attenborough to look at the area under discussion.

Meeting 3: Tuesday 17th January 2006, Village Hotel Attenborough
The third and final meeting was designed to gain feedback from community members about the flood defence scheme in Attenborough and to establish what group members felt about the proposals.

Both the Environment Agency and the Focus Group agreed the series of meetings to be very informative, with both parties gaining a better understanding of the design alternatives, constraints and opportunities for the village.

Consultation at Scheme Alignment Stage
A Scheme Alignment Leaflet was published in August 2006, outlining the preferred flood defence alignments through Attenborough. The proposals were presented to the Focus Group at meetings held at the Village Hall on 14th August 2006. Presentations by the Environment Agency, Black & Veatch (Design Consultants) and English Nature (now Natural England) provided an explanation to the reasoning behind the selection of the preferred route.

This was followed by a public drop-in session on 15th August 2006 at the Village Hall when members of the project team were available to answer questions. A number of questions were repeatedly raised during the meetings regarding the reasoning behind the selection of the preferred alignment. Consequently, on 8th September 2006, the Environment Agency produced a Frequently Asked Questions pamphlet for Attenborough and issued over 300 copies to the villagers who had expressed an interest in the scheme.

As many Attenborough residents objected to the preferred flood defence alignment proposed for Attenborough, the Environment Agency agreed to a review of all alignment options between St Mary’s Church and 51 The Strand during autumn 2006. This review included:

- a workshop with representatives from the Focus Group on Saturday 23rd September 2006 to discuss the design alternatives for the village;
- a meeting with Attenborough Village representatives, the Environment Agency, Natural England (previously English Nature), Broxtowe Borough Council and Nottingham County Council, on 2nd October 2006.

The conclusions of the review and the final preferred route for the village were presented to the Focus Group on 16th January 2007. On the same date, over 500 copies of a Fact Sheet explaining the final preferred alignment and the reasons for it were sent to those villagers who had expressed an interest in the scheme.

Figure 5 provides a timeline of consultation with Attenborough residents between November 2005 and the publication of the first Environmental Statement in April 2007.
Figure 5: Timeline of Consultation with Attenborough Residents between November 2005 and April 2007

- **Scoping Report**
  - 12th, 14th, 17th January
  - 3 no. Workshops
  - Attended by Focus Group

- **Design Review Meeting**
  - 23rd September
  - Focus Group meeting (selected individuals)

- **Progress Update**
  - 30th August
  - Focus Group meeting

- **Scheme Alignment Leaflet**
  - 14th August
  - Focus Group meeting
  - 15th August
  - Drop in session for all residents

- **Alignment Review Mtg**
  - 2nd October
  - Attenborough residents and other Stakeholders

- **The Strand / Ferndale Close route**
  - 20th November
  - Alignment meeting with landowners

- **St Mary's Church**
  - 9th October
  - Site meeting with landowner

- **Final Alignment Fact Sheet**
  - 16th January
  - Focus Group meeting

- **Information**
  - **Scheme Alignment Leaflet**
    - 1st August
    - 2000 copies issued throughout Nottingham

  - **22nd August**
    - Leaflet drop to 1000 properties in Attenborough

  - **8th September**
    - Progress update letter and issue of FAQ leaflet to 450 Attenborough residents

  - **Final Alignment Fact Sheet**
    - 16th January
    - 450 copies issued to Attenborough residents

  - **20th December**
    - Progress update letter issued to 450 Attenborough residents
Consultation on the Revised Scheme

As a result of the revised modelling work undertaken in 2007, the design of the defences through Attenborough village has been updated, resulting in changes from the defences proposed in the 2007 planning submission. A further internal review concluded that the change in proposed height of the defences does not change the proposed alignment.

In August 2008 a newsletter was prepared to update Attenborough residents who had expressed an interest in the scheme on how the scheme had developed; refer to Annex E10 of Appendix E of the ES. Residents were also invited to a public meeting and drop-in session.

The public meeting was held on 15th September 2008 where the revisions of the scheme were explained. Opinions were sought from local residents on how the design of the scheme could include potential enhancements to the area.

A further meeting was held on 20th October with the Attenborough Flood Alignment Association (AFAA). Questions were raised over the revised route through Attenborough. The answers to the most frequently asked questions were presented in a newsletter and posted to every resident in Attenborough in October 2008. A copy of the 20 FAQ’s can be found in Annex E11 of the ES.

Consultation with Natural England and Nottinghamshire Wildlife Trust

Both Natural England (NE) and Nottinghamshire Wildlife Trust (NWT), commented on the Fluvial Trent Strategy (FTS) (March 2005), Masterplan and Constraints Plan (August 2005), Scoping Report (November 2005) and the Scheme Alignment Leaflet (August 2006).

In addition to the formal consultation, a series of meetings have been held with both parties to discuss the flood defence design, alignment and associated mitigation works through the SSSI. The following paragraphs summarise the key meetings held.

*Tuesday 26 July 2005, site meeting at Attenborough Nature Reserve.*
  *Attended by NE, Broxtowe Borough Council, NWT, Nottinghamshire County Council, Black & Veatch.*
  Site meeting prior to issuing the Masterplan and Constraints Plan. The purpose of the meeting was to introduce the scheme and identify initial constraints and opportunities.

*Thursday 15 Dec 2005, site meeting at Attenborough Nature Reserve.*
  *Attended by NE, Broxtowe Borough Council, NWT, Cemex, Black & Veatch, Environment Agency, Jackson Civil Engineering, HR Wallingford.*
  Site meeting to discuss the Scoping Report. The meeting discussed alignments presented in the Scoping Report, possible construction techniques, impacts on Cemex operations and environmental mitigation opportunities.

*Thursday 26 January 2006, meeting at Hilton Hotel, Nottingham.*
  *Attended by NE, Black & Veatch, Environment Agency.*
  The meeting was prior to issuing the scheme’s business case (Project Appraisal Report or PAR) to the Environment Agency’s Natural Review Group. The PAR document requires NE’s support and they were seeking clarification on the reasons for scheme and the proposed mitigation works.

At the meeting in January 2006, it was agreed that the Environment Agency and NE would hold regular meetings through the development of the design to keep NE abreast of progress.

*Progress Meeting 1: Thursday 4 May 2006.*
  *Attended by NE, NWT, Black & Veatch, Environment Agency.*
Attended by NE, NWT, Black & Veatch, Environment Agency.
Mitigation measures, off site habitat creation and surveys within the SSSI were the main meeting topics.

Site Meeting on Friday 16 June 2006.
The meeting was to discuss the flood defence alignment options through the village and assess the impacts. The routes discussed were through St Mary's Church and the alignment adjacent to the Village Green.

Progress Meeting 3: Thursday 10 July 2006.
Presentation on the sheet pile design and the potential impacts on lake levels. The alignment through Cemex works, off site habitat creation, construction access and forthcoming consultation were all discussed.

Progress Meeting 4: Friday 15 September 2006.
Attended by NE, NWT, Black & Veatch, Environment Agency, Broxtowe Borough Council, Jackson Civil Engineering.
Alignment through Attenborough Village, sources of material, construction techniques, temporary infilling of lakes for access and off site environmental enhancements were all discussed.

Meeting of Monday 2 October 2006
Referred to above, this meeting was attended by Attenborough Village representatives, the Environment Agency, NE, Broxtowe Borough Council and Nottingham County Council. Its purpose was to discuss the flood defence alignments through Attenborough village.

Progress Meeting 5: Monday 9 October 2006.
Attended by NE, NWT, Black & Veatch, Environment Agency, Jackson Civil Engineering.
The purpose of the meeting was to identify mitigation and compensation measures for works through the Attenborough SSSI.

Progress Meeting 6: Wednesday 10 January 2006.
Attended by NE, NWT, Black & Veatch, Environment Agency, Jackson Civil Engineering and Cemex.
A site meeting to discuss and potentially agree the package of on site mitigation measures for the works through the Attenborough SSSI.

In December 2007, an Environmental Project Board (EPB) was established with members from NE, NWT, Cemex, Derbyshire Wildlife Trust, Broxtowe Borough Council and the Environment Agency. This board continues to meet on a regular basis. The aims of the EPB are to:

1. Engage all members in the environmental mitigation and enhancement;
2. Build on the mitigation agreements developed during 2007;
3. Deliver the maximum benefit to the environment through the efficient use of the resources available;
4. Deliver reedbeds in 2008 near the River Erewash;
5. Oversee the delivery of the whole package of mitigation work in accordance with the project programme; and
6. Develop additional environmental enhancements and deliver these works.

Details of the proposed compensation works as recompense for the damage the scheme is having to the environmentally sensitive sites, is provided in the Environmental Statement Appendix F – Environmental Compensation and Enhancement.

Consultation Summary
Designing a solution for a permanent flood defence wall which will impact upon both the Attenborough SSSI and the Village’s Conservation Area, has required over 12 months of consultation.

The consultation has been extensive, with discussions held with Broxtowe Borough Council, NE, NWT, Cemex, Nottinghamshire County Council, English Heritage and the residents of Attenborough Village.

The discussions with all these parties will continue through the detailed design process and during construction.

Refer to Appendix E of the ES for full details of the consultation process.
6. **SUMMARY AND CONCLUSIONS**

In considering options for the route of the new flood defence components within Broxtowe, one of the key considerations was the need to balance impacts upon the Conservation Area at Attenborough Village with the potential impacts on Attenborough SSSI.

The proposed scheme has been shown to be consistent with the government policy, the Regional Spatial Strategy and the detailed provisions of the extant development plans for the areas of proposed development. Where impacts have been identified, the mitigation measures put forward are considered appropriate to reflect the required application of those policies to sensitive areas.

In view of the foregoing the Environment Agency consider that in order to fulfil its statutory responsibilities, and provide maximum protection for the residents of the city, including those in Broxtowe Borough, the preferred scheme for the Nottingham Left Bank FAS needs to be fully implemented. This includes those elements of the scheme for relevant reaches of the Rivers Trent and Erewash running through Broxtowe. The FAS will bring lasting benefits and a greater degree of immunity from flooding for over 16,000 properties in Nottingham and Broxtowe.

Accordingly, this planning application is commended to the Council.
Appendix A

Town and Country Planning (General Permitted Development) Order 1995
PART 14

DEVELOPMENT BY DRAINAGE BODIES

Class A
Permitted development
A. Development by a drainage body in, on or under any watercourse or land drainage works and required in connection with the improvement, maintenance or repair of that watercourse or those works.

Interpretation of Class A
A.1 For the purposes of Class A—
"drainage body" has the same meaning as in section 72(1) of the Land Drainage Act 1991 (interpretation) other than the National Rivers Authority.

PART 15

DEVELOPMENT BY THE ENVIRONMENT AGENCY

Class A
Permitted development
A. Development by the Environment Agency, for the purposes of their functions, consisting of—
(a) development not above ground level required in connection with conserving, redistributing or augmenting water resources,

(b) development in, on or under any watercourse or land drainage works and required in connection with the improvement, maintenance or repair of that watercourse or those works,

(c) the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation,

(d) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel,

(e) any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders),

(f) any other development in, on, over or under their operational land, other than the provision of a building but including the extension or alteration of a building.

Development not permitted
A.1 Development is not permitted by Class A if—
(a) in the case of any Class A(a) development, it would include the construction of a reservoir,

(b) in the case of any Class A(f) development, it would consist of or include the extension or alteration of a building so that—
(i) its design or external appearance would be materially affected,

(ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or
(iii) the floor space of the original building would be exceeded by more than 1,000 square metres,

or

(c) in the case of any Class A(f) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

Condition
A.2 Development is permitted by Class A(c) subject to the condition that, on completion of the survey or investigation, or at the expiration of six months from the commencement of the development concerned, whichever is the sooner, all such operations shall cease and all such buildings, plant, machinery and apparatus shall be removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).
Appendix B


Regulation 2 Interpretation

“drainage” includes defence against water including sea water

“drainage body” means any of the following public authorities which initiates improvement works, namely:

(a) the Environment Agency.

“improvement works” means works which are –

subject of a project to deepen, widen, straighten or otherwise improve any existing watercourse or remove or alter mill dams, weirs or other obstructions to watercourses, or raise, widen or otherwise improve any existing drainage work; and

permitted development by virtue of Part 14 or Part 15 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995

“watercourse” includes any river and stream and any ditch, drain, cut, culvert, dike, sluice, sewer (other than public sewers as defined in section 219(1) of the Water Industry Act 1991) and any passage through which water flows.