

Rebecca Payne

From: [REDACTED]
Sent: 28 September 2015 15:16
To: Alistair McShane; Hayden Smith
Subject: Flood Defence Consent Application No. SE_WS-2015_339 - Construction of culvert + watercourse diversion (Ord W/C within SW Sussex IDD) - Site 6, Phase 5, Felpham, West Sussex
Attachments: Covering_Letter_339.pdf; Consent_Document_339.pdf; Consent questionnaire.docm; NOTICE NO 1.docm; NOTICE NO 2.docm; NOTICE NO 3.docm

Hi Alistair and Hayden

I am pleased to advise that your flood defence consent application was determined and approved on 24th September 2015.

As we no longer post out hard copies of the consent approval documents, please keep the attached for your records. Many thanks.

Can you please sign and return the attached Notices 1, 2 and 3 at the appropriate times (refer to footnotes on each for details).

Also enclosed is a Customer Questionnaire for completion. It would be much appreciated if you could please spare a few minutes to comment on the service we have provided in respect of your consent application.

Many thanks.

Kind Regards

Sue

28/09/15

Sue Eldridge

Flood & Coastal Risk Management Officer

Partnerships & Strategic Overview Team, West Sussex

Solent & South Downs

Address: Guildbourne House, Chatsworth Road, Worthing, West Sussex BN11 1LD



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Click here <https://mail1.environment->

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Mr Alistair McShane
MJA Consulting
Morarch House
Barton Lane
Abingdon
Oxfordshire
OX14 3NB Email:

Our ref: SE_WS_2015_339
Your ref:
Date: 24th September 2015

Dear Mr McShane

ENVIRONMENT AGENCY FLOOD DEFENCE CONSENT APPLICATION
REF NO: SE_WS_2015_339

Construction of culvert and diversion of Ordinary Watercourse within the South West Sussex Internal Drainage District - Site 6, Phase 5, Felpham, West Sussex

NGR: 495329, 100857 & 495321, 100846

Thank you for your application for Flood Defence Consent received on 30th June 2015 and additional information on 28 August 2015.

I am pleased to confirm that your proposals are acceptable to us. I enclose Consent Number SE_WS_2015_339 issued under Section 23 of the Land Drainage Act 1991.

However, we presume there will be no loss of or increase in, overall watercourse length as a consequence of the diversion. To compensate, ponds or scrapes could be included in the open space areas. For further clarification please contact the Fisheries, Biodiversity and Geomorphology team (tel: 01903 703976).

An electronic set of notice cards has been emailed to you with this letter. Please acknowledge receipt and notification by completing and returning notice card 1.

Notices 2 and 3 should be completed and returned at the appropriate stages of the work as indicated at the foot of each note. A digital photograph should also be forwarded upon completion of the works and when Notice 3 is returned. The photograph can be sent electronically if you prefer to psosussex@environment-agency.gov.uk.

Written permissions must be obtained from all third parties affected by the proposed works.

Cont'd over

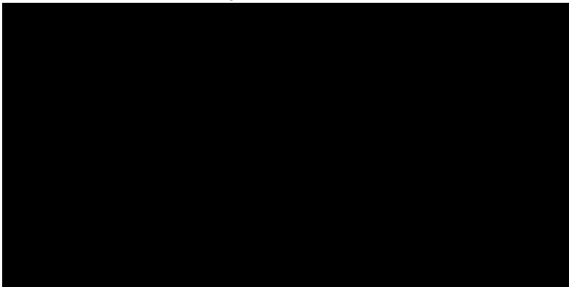
Environment Agency



Please note the conditions of our approval. If you believe that any conditions imposed are unreasonable then you have a right of appeal to an independent arbitrator or Government Minister as appropriate.

Finally, please note that this consent does not absolve you from the need to obtain any other consents, licences or permissions which may be required in law prior to you commencing the work. You are solely responsible for ensuring that your designs meet all applicable standards and are fully compliant with current legislative requirements. We would also strongly advise that neighbouring properties, land owners and fishing clubs are informed of the intended works.

Yours sincerely



Kim Smith
Partnership and Strategic Overview Team Leader
East and West Sussex

Please ask for Jon Denman
Direct dial 

RIGHTS OF APPEAL

WATER RESOURCES ACT 1991 -SECTION 110 (4)

If any question arises under this section whether any consent or approval is unreasonably withheld or whether any condition imposed is reasonable, the question shall-

- (a) if the parties agree to arbitration, be referred to a single arbitrator appointed by agreement between the parties or, in default of agreement, by the President of the Institution of Civil Engineers; and
- (b) if the parties do not agree to arbitration, be referred to and determined by the Ministers or the Secretary of State, according to whether the determination falls to be made in relation to England or Wales.

The most likely source of arbitrators can be found on the following links

- the ICE <http://www.ice.org.uk/> and <http://www.ice.org.uk/About-ICE/What-we-do/Dispute-resolution>
- the Chartered Institute of Arbitrators (CI Arb) <http://www.ciarb.org/about/> or
- the Chartered Institution of Water and Environmental Management (CIWEM) <http://www.ciwem.org/> .

UNCLASSIFIED



Flood Defence Consent

Section 23 of the Land Drainage Act 1991

Mr Robert Barber
BDW Southampton
Tollbar House
Tollbar Way
Hedge End
Southampton
Hampshire
SO30 2UH

**Consent applying to the
construction of a culvert
and watercourse
diversion (Ordinary
Watercourse within
South West Sussex
Internal Drainage Board)**
Site 6, Phase 5, Felpham,
West Sussex

NGR: 495329, 100857 &
495321, 100846

Consent number
SE_WS_2015_339

Effective from
24th September 2015

Disclaimer

The Environment Agency does not accept any responsibility for the design and construction of the works referred hereto and any liability for any loss or damage which may arise out of their design, construction, maintenance or use.

Our approval is given solely on river morphology, flow, ecology, and other land drainage criteria. It should not be regarded by the applicant as in any way approving the design and soundness of the proposed structure, other than in relation to its impact on flows in the watercourse and its flood plain

This Consent does not free you from the need to obtain other licences, consents, approvals (including bye-law consents) or permissions (including planning permission) which may be required in law or in order to comply with any duties or responsibilities for conservation or protection of the environment. You should ensure that the works are carried out in a proper manner so as not to adversely affect the watercourse. A copy of the Special Requirements issued by the Environment Agency is available upon request. Work should be completed as quickly as possible once started.

The works shall be carried out at your own risk and responsibility. We accept no responsibility for any loss or damage howsoever caused arising from the carrying out or construction of the works. We may occasionally make observations on health and safety aspects of the work, however this should not be taken in any way whatsoever to imply that we have a role in ensuring site safety, nor that we have approved any contractors plans.

Land ownership is not a material consideration in determining this consent. Where you are not the owner of the land (including riverbeds and other water bodies) referred to in this consent, you must obtain suitable permission from the landowner prior to the commencement of works. This Consent does not confer any rights of entry or rights over property.

If you undertake works in contravention of Section 109 of the Water Resources Act, 1991 (Restriction on erection of structures in, over or under main river), or of the terms of this consent, we may remove, alter or pull down the works and recover from you the expenses incurred in doing so.

The responsibility to ascertain the location of any services, which may be affected by the proposed works, lies solely with the Applicant/Agent.

The contents of this consent must be brought to the attention of your contractor.

If you believe that conditions have been unreasonably imposed then you have a right of appeal.

Environment Agency Consent

Consent

Section 23 of the Land Drainage Act 1991



Flood Defence Consent

Control of works affecting watercourses and/or flood defences

Consent number **SE_WS_2015_339**

To Mr Robert Barber
of BDW Southampton, Tollbar House, Tollbar Way, Hedge End,
Southampton, Hampshire SO30 2UH

The Environment Agency, in exercise of its powers under Section 23 of the Land Drainage Act 1991 and subject to the conditions overleaf, hereby grants its consent in relation to the works or operations described in this Consent.

Watercourse: Ordinary Watercourse within South West Sussex Internal Drainage District

Location: Site 6, Phase 5, Felpham, West Sussex

NGR: 495329, 100857 and 495321, 100846

Description of works: Construction of culvert and watercourse diversion

For the following activities:

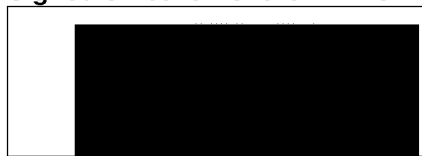
(1) Permanent construction of a culvert (9m long x 2350mm x 1350mm) with associated brick headwall, and (2) permanent diversion of 146m length of watercourse

As detailed on Drawings: 4348:220 and 4348:873A

The Agency does not accept any responsibility for the design and construction of the works referred hereto and any liability for any loss or damage which may arise out of their design, construction, maintenance or use.

This Consent shall come into effect on **24th September 2015**

Signed on behalf of the Environment Agency



Partnerships and Strategic Overview Team Leader

Date of signing

24th September 2014

Environment Agency Consent SE_WS_2015_339
Effective date 24th September 2015

Conditions

This consent is granted subject to the following conditions:

- 1. That the headwall is adequately keyed into the bed and banks of the watercourse to prevent erosion.**
- 2. No excavated material or debris arising from the construction of the works shall be disposed of on the site or in the floodplain without our prior agreement. Any materials, debris etc that fall into the river channel, or onto the banks of the watercourse shall be removed immediately.**
- 3. There should be no storage of materials (or chemicals/fuels) within (EIGHT) metres of the watercourse.**
- 4. No refuelling of any machinery shall take place within (EIGHT) metres of any watercourse.**
- 5. No dredging of the riverbed shall take place during the construction period.**
- 6. The banks and/or bed of the watercourse where disturbed shall be restored to our reasonable satisfaction.**
- 7. We shall be afforded access to the works at all reasonable times for the purpose of inspection during construction of the works and after completion of the works.**
- 8. The construction of the works described in this consent must be completed within three years from the date of issue of this consent. Works not completed within this time, additional works and/or amendments will require a new consent.**

Informatives

We presume there will be no loss of or increase in, overall watercourse length as a consequence of the diversion. To compensate ponds or scrapes could be included in the open space areas.

For further clarification please contact the Fisheries, Biodiversity and Geomorphology team (tel: 01903 703976). Thank you.

Other information

This Note does not form part of the Certificate of Authorisation.

Pollution Prevention

You are reminded that it is an offence under Regulation 38 of The Environmental Permitting (England and Wales) Regulations 2010 to cause or knowingly permit a water discharge activity or ground water activity. Care must be taken to ensure that neither the watercourse nor groundwater becomes polluted, particularly by, for example diesel fuel, petrol and oil from machinery. All fuels, oils and chemicals must be stored securely and any large containers left on site must be bunded. Care should also be taken when filling machinery to ensure that diesel/petrol/oil is not spilt on the ground. Spillages must not be washed away, but absorbed by some medium and then removed from site to a suitable licensed waste facility. Any such incidents must be reported to the Environment Agency immediately (Emergency Tel No 0800 807060). Copies of the Environment Agency's Pollution Prevention Guidelines (PPG5) and (PPG6) are either attached for your information or if not available upon request.

Disturbance of bed and bank material in watercourses should be minimised, including when carrying out excavations. An appropriate silt control system should also be considered if material is likely to be disturbed. In-river vehicle tracking should be kept to an absolute minimum.

Any waste generated in the course of the works must be disposed of in accordance with the provision of the Environmental Protection Act 1990. Persons carrying waste are required by law to register with the Environment Agency as a Waste Carrier (subject to certain exceptions). The deposit, keeping, treating or disposal of waste should only take place at premises licensed by the Environment Agency to receive the waste (subject to certain exceptions and exemptions). When you give waste to someone else, details of the transfer of waste should be described on a document called a Duty of Care Transfer Note.

If the waste contains any properties that are hazardous to health or the environment, the waste will be classed as 'Hazardous Waste' as defined in the Hazardous Waste Regulations 2005. These Regulations place specific requirements on the producer and carrier of such waste. Further information can be found on the Agency's website (www.environment-agency.gov.uk) or by contacting the National Customer Contact Centre on 03708 506506.

The activity of importing waste into the site for use as part of the construction process, for example hardcore, must be registered by Environment Agency as an exempt activity under the Waste Management Licensing Regulations 1994.

Flood Risk Management

The structure(s) must be removed immediately, for any reason, at the request of the Area Flood Risk Manager.

You must ensure that any structure is clear and free of rubbish, silt and debris at all times. Regular inspections of the structure should also be carried out and the appropriate maintenance work undertaken.

Fisheries

You are strongly advised to inform the appropriate Angling Association/Interests of your proposals (where applicable), before commencing work, since the issue of a Flood Defence Consent by this Agency will not protect you from any claim for nuisance or damage which may be attributed to your works.

The free passage of fish must be maintained at all times, unless otherwise agreed in advance with the Agency.

Under the terms of the Salmon and Freshwater Fisheries Act 1975, it is an offence to cause or knowingly permit to flow, or put, into any waters containing fish, any liquid or solid matter to such an extent as to cause the water to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish.

Biodiversity

Natural environments such as watercourses are important as habitats in their own right and for the plants and animals they support. There are several Acts and Regulations that ensure these special features are protected and you should be aware of and comply with this legislation. A list of relevant legislation can be found in our working method guidance.

The list of species and actions below are not exhaustive and the applicant should consult the relevant legislation regarding other concerns.

A licence for works affecting protected species may be required from Natural England. You should consult their standing advice for more information on this.

Otters and their places of rest are protected. Otters are widespread and significant tree works or works to the banks have the risk of disturbing otters and damaging their Holts. You should make an assessment of the risk to otters and where required a survey should be undertaken by a suitably qualified ecologist. Note otters sometimes lie up in drains/small watercourses so wherever possible drain entrances should be kept clear.

Bats and their habitats are protected. Bats are often found in structures and trees on or adjacent to watercourses. If your works are likely to affect structures such as bridges, walls, culverts or buildings you must consider impacts on bats. An appropriate assessment of risk and, where required a survey should be undertaken by a suitably qualified ecologist.

Water voles and their habitat are protected. If water voles are present on your site you need to consider the impacts of your work on them and an appropriate assessment of risk and where required survey should be undertaken by a suitably qualified ecologist.

Native Crayfish are protected. When undertaking works where native crayfish are present you need to consider the impacts of your works and an appropriate assessment of risk and where required survey should be undertaken by a suitably qualified ecologist.

Vegetation

No bankside vegetation within 7m of the watercourse is to be removed unless strictly necessary. In such cases, trees/shrubs should be limbed or coppiced, and the root base to be left intact. Scrub vegetation as possible should be retained, as this provides valuable wildlife habitat.

Trees should be protected from the works in accordance with British Standard 5837, "Trees in relation to construction", and contractors' working areas shall be clearly marked out and boundaries adhered to.

Any bankside trees or vegetation damaged or removed during the works should be replaced with native species of local provenance appropriate to the local habitat.

Birds

Breeding birds and their nests are protected under the Wildlife and Countryside Act 1981. If your work is taking place within or close to the main bird breeding season (1st March to 31st July) you should consider the impacts of your works and an appropriate assessment of risk should be undertaken.

Invasive Non-native species

The Wildlife and Countryside Act makes it an offence to cause certain species to spread in the wild. If these species are present on your site you need to have a plan for how you will manage them and any waste containing them during your work.

Bio security

When travelling or working between watercourses there is a high risk of transferring problem species or diseases between watercourses.

This can be avoided by following the advice of the 'check, clean, dry' campaign. Simple measures such as checking for and cleaning mud and bits of vegetation from boots, equipment and machines and allowing them to dry (ideally in sunlight) can prevent the spread of problem species.

SOLENT & SOUTH DOWNS
PARTNERSHIPS AND STRATEGIC OVERVIEW TEAMS
(EAST AND WEST SUSSEX)
FLOOD AND COASTAL RISK MANAGEMENT

CUSTOMER QUESTIONNAIRE

In Development and Flood Risk we aim to consider your flood defence consent application as quickly as possible. We have a statutory two month period in which to determine your application, but wherever possible we will try and respond sooner. Our consultation process often involves asking external bodies for their comments (such as Local Authorities and Natural England) and this sometimes lengthens the process.

However, we are always looking for ways to improve our service, and would be grateful if you could spend a few minutes completing this form and returning it electronically. Thank you.

Flood Defence Consent Application No. SE_WS_2015_339

- 1) **If you phoned for advice prior to submitting the consent application form, did you find us helpful?**

Yes	
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Please tick as appropriate

No	
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If not, please say why

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PTO

2) Was your application processed in an acceptable timescale?

Yes ☐

Please tick as appropriate

No ☐

If not, please say why

3. Is there any way you think we can improve our service?

Thank you for completing this questionnaire. We will take all constructive comments on board in order to make our service better.

Signed.....

Date

Se.consent.questionnaire (7/01/15)

NOTICE NO. 1

Flood Defence Consent No. **SE_WS_2015_339**

Ref:

TO THE ENGINEERING MANAGER

I acknowledge receipt of notification of the above numbered consent.

Signed

Date of Inspection

**NOTE: This notice is to be sent upon receipt of the Authority's
notification of consent.**

NOTICE NO. 2

Flood Defence Consent No. **SE_WS_2015_339**

Ref:

TO THE ENGINEERING MANAGER

I give you notice that I intend to commence the works for the above numbered consent on

.....20.....

Signed

Date

FOR OFFICIAL USE ONLY

Notice Received20.....

Signed

NOTE: This notice is to be sent at least seven days before the date on which it is intended to commence the works.

NOTICE NO. 3

Flood Defence Consent No. **SE_WS_2015_339**

Ref:

TO THE ENGINEERING MANAGER

I give you notice that the whole of the works for the above numbered consent were completed on

.....20.....

Signed

Date

FOR OFFICIAL USE ONLY

Notice Received20.....

Signed

Inspected by

Date of Inspection20.....

NOTE: This notice is to be sent within seven days of completion of the works, together with a digital photograph showing the completed works .