



Flood Defence Consent

Section 109 of the Water Resources Act 1991/
Land Drainage & Sea Defence Byelaws

Robert Clark
Persimmon Homes
Thames Valley
Persimmon House
Knoll Road
Camberly
GU15 3TQ

**Littlehampton Phase 2B-
Temporary Connection
to Existing Temporary
Culvert, including a
225mm pipe and 2 No.
catchpits, within the
River Arun Internal
Drainage District.**

NGR: TQ0354004114
(Toddington Ditch within
Internal Drainage District)

Consent number
SE/WS/003/2021

Effective from
6th January 2022

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 the 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.

Consent

Section 109 of the Water Resources Act 1991/
Land Drainage & Sea Defence Byelaws



Flood Defence Consent

Control of works affecting watercourses and/or flood defences

Consent number **SE/WS/003/2021**

To Robert Clark
of Persimmon Homes, Thames Valley, Persimmon House, Knoll
Road, Camberly, GU15 3TQ

The Environment Agency, in exercise of its powers under Section 109 of the Water Resources Act 1991/Land Drainage & Sea Defence Byelaws and subject to the conditions overleaf, hereby grants its consent in relation to the works or operations described in this Consent.

Watercourse(s): Toddington Ditch within Internal Drainage District

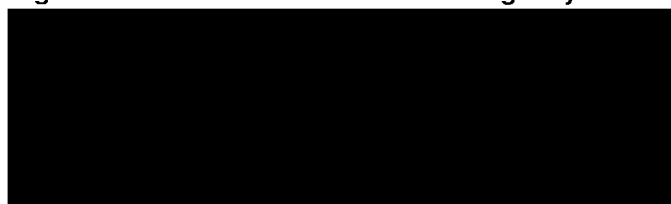
Location: Toddington Ditch, Toddington, West Sussex

NGR: TQ0354004114 (Toddington Ditch within Internal Drainage District)

Description of works: Littlehampton Phase 2B- Temporary Connection to Existing Temporary Culvert, including a 225mm pipe and 2 No. catchpits, within the River Arun Internal Drainage District.

This Consent shall come into effect on **6th January 2022**

Signed on behalf of the Environment Agency



Claire Francis

Partnerships and Strategic Overview Team Leader

Date of signing

6th January 2022

Environment Agency Consent SE/WS/003/2021
Effective date 6th January 2022

Conditions

This consent is granted subject to the following conditions:

1. **No excavated material or debris arising from the construction of the works shall be disposed off 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.**
2. **There should be no storage of materials (or chemicals/fuels) within (FIVE) metres of the watercourse.**
3. **No refuelling of any machinery shall take place within (FIVE) metres of any watercourse.**
4. **No dredging of the riverbed shall take place during the construction period.**
5. **The banks and/or bed of the watercourse where disturbed shall be restored to our reasonable satisfaction.**
6. **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.**
7. **We shall if deemed necessary 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. **It must ensured that during the works silt is not allowed to enter the watercourse downstream. A silt trap should therefore be provided if deemed necessary throughout the duration of works**
9. **A water vole survey must be undertaken before works commence and appropriate mitigation implemented where required**
- 9a **If water voles are encountered works must cease immediately**
10. **Any material removed from the ditches must be suitably checked by a banksman for both eels and any other aquatic fauna that may be present and returned safely to the watercourse**
11. **All works undertaken will be photographed and identified by way of a grid reference**

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 (PPG2) and (PPG5) 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

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.

Eels

When undertaking works where eels are present you need to consider the impacts of your works in accordance with the Eels (England and Wales) 2009 Regulations 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.

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Effective date 6th January 2022