

FRA decision document - bespoke

Guidance: LIT 17810

Published: 12/06/2020

Audience: Environment Agency

Decision Document: Bespoke permit for Flood Risk Activities

We have decided to grant the permit for 2a Southview House, Nut Bank Lane, Manchester, M9 6BH operated by R. & M. DEVELOPMENTS LIMITED.

The permit number is EPR/BB3693JN

The flood risk activity is for the installation of new headwall for discharge of uncontaminated surface water.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate management of impacts on flood risk and land drainage and the appropriate level of environmental protection is provided.

Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Structure of this document

- Annex 1 the decision checklist

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist (see the Operational Instruction on receiving to duly making FRA applications), the application and supporting information and permit/ notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
Operator		
Control of the activity	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the permitted activities after the grant of the permit. The decision was taken in accordance with our published guidance on the meaning of operator.	✓
The site		
Extent of the site or sites	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the activities A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
European Directives		
Applicable directives	All applicable European directives or equivalent UK law have been considered in the determination of the application.	✓
Water Environment (Water Framework Directive) Regulations 2017	The application does not include an activity affected by WFD Regulation requirements. The decision was taken in accordance with our guidance.	✓

Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected or priority species or habitat and/or a salmonid or cyprinid river. A full assessment of the application and its potential to affect the site has been carried out as part of the permitting process. We consider that the application will not affect the features of the site. The permit is for an activity that would be subject to an exemption if not for its proximity to the site, and our assessment has not indicated any potential adverse impacts.	✓
Risk Assessment, Management System and Operating Techniques		
Flood and land drainage risk	We have reviewed the operator's assessment of the flood and land drainage risks from the activity. The operator's risk assessment is satisfactory. The activity is low risk and low impact, and would ordinarily be covered by an exemption.	✓

Environmental risk	We have reviewed the operator's assessment of the environmental risks from the activity. Our technical specialists have considered the operator's risk assessment to be satisfactory. Our Fisheries, Biodiversity and Geomorphology team did raise the following in our consultation with them, but it is beyond the scope of the permit: “Has the applicant considered the potential of construction of an above ground and more multifunctional SUDs attenuation pond feature with swale arrangement to stream in retained riparian greenspace corridor; as recommended in the CIRIA GOOD PRACTICE GUIDANCE C753 (https://www.ciria.org/Memberships/The_SuDs_Manual_C753_Chapters.aspx); from this single residential scheme and associated surface water discharge to Boardman Brook; to what looks to be a relatively small 100mm discharge, and too which would potentially have more environmental benefits to that of just flood risk reduction alone, and potentially avoid more significant construction works within existing wooded riparian corridor to construct more orthodox headwall arrangement?”	✓
Management System	The operator has confirmed in its declaration that it has a management system that it says meets the expectations in our published guidance on preparing a management system including the plan detailing the method of work (“the Method of Work”). There is no known reason to consider that the operator will not have the management systems in place to enable it to comply with the permit conditions.	✓

Operating techniques	We have reviewed the Method of Work proposed by the operator. The operator has provided a Method of Work detailing the working methods for how the activity will be carried out and the measures used to manage the risks identified. We consider the Method of Work to be satisfactory. Due to the level of risk and complexity of the activities and the operator's inexperience or record, we have imposed a condition incorporating the Method of Work the operator has provided into the permit. The decision was taken in accordance with our published guidance on preparing Management Systems and Operator Competence.	✓
The permit conditions		
Incorporating documents provided in the application	We have specified that the applicant must operate the permit in accordance with specified documents or information received as part of the determination process. The descriptions of the documents or information are specified in the Table S1.1 Limits of Activities and Table S1.2 Operating Techniques section of in the permit. This is to ensure the activity is carried out without impact on the proximate site discussed under "Biodiversity, Heritage, Landscape and Nature Conservation".	✓
Notifications	We have specified that notification should be given prior to the activity being commenced and following the activity being completed. We require this so that we have accurate records of where activities that affect flood risk are being carried out at any time, so that we are able to effectively manage flood risk in the catchment. It also enables us to carry out compliance checking in a proportionate way.	✓
Operator Competence		

Operator competence	The operator is responsible for ensuring that it has the technical competence to carry out the activity in accordance with the permit. There is no known reason to consider that the operator will not have the competence to comply with the permit conditions.	✓
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