

Kendal & Upper Kent Catchment Flood Risk Management Scheme

Protecting our rivers during construction

The aim of the Kendal & Upper Kent Catchment Flood Risk Management Scheme is to not only protect people and properties from flooding, but to create a lasting benefit for the community and the local environment. A fundamental part of our works is to also enhance the river corridor throughout the extent of the scheme to improve riverside habitat and biodiversity.

As with any other construction project, there will be some impacts, however we have undertaken many environmental surveys and assessments and will continue to do so, to understand those risks and ensure they can be managed and mitigated. A number of mitigation measures are in place in locations we are working to lessen the impacts which are actively monitored by our environmental specialists and our independent Ecological Clerk of Works.



How are river ecosystems protected in England?

The key piece of legislation that offers protection to animals and plants that live in, or near our rivers in England is The Wildlife and Countryside Act (as amended) 1981.

In addition, there are several other pieces of legislation which offer protection to wildlife living in, or near our rivers such as the Salmon and Freshwater Fisheries Act 1975, the Countryside and Rights of Way Act 2000 and The Conservation of Habitats and Species Regulations (as amended) 2017.

What riverine species are protected under law?

Many different animal and plant species that live in, or use rivers are protected. Some examples include; bats, otters, salmon and dragonflies.

Is the River Kent special?

The River Kent catchment is recognised nationally as a "special site of scientific interest" and internationally as a "special area of conservation" for its populations of bullhead, white-clawed crayfish, freshwater mussels and water crowfoot (*Ranunculus*) habitat.

It is important to protect these rare species and the other species which live in, and use the river, to ensure a fully functioning and sustainable ecosystem which can be enjoyed by future generations.

What legislation is in place to regulate our in-river working activities?

Any activities that could obstruct the flow of a main river, such as installing a new permanent or temporary structure in the river, changing existing structures, or diverting the river are regulated under The Environmental Permitting (England and Wales) Regulations 2016. The activity is permitted either by registering an exemption, or applying for a Flood Risk Activity Permit (FRAP).

Any activities that could obstruct the flow of an ordinary watercourse are regulated under the Land Drainage Act 1991 and a land drainage (flood defence) consent is required.

In addition, because of the national and international designations of the River Kent catchment, activities are also regulated under the Countryside and Rights of Way Act 2000 and The Conservation of Habitats and Species Regulations (as amended) 2017.

Who enforces this legislation?

The Environment Agency enforces The Environmental Permitting (England and Wales) Regulations 2016 and Cumbria County Council enforces the Land Drainage Act 1991. Due to the designations of the River Kent, both organisations consult Natural England before issuing any permits or consents.

Natural England enforces the Countryside and Rights of Way Act 2000 and The Conservation of Habitats and Species Regulations (as amended) 2017.

What are we doing to ensure that the riverine environment is not disturbed during the construction of the Kendal Scheme?

At the planning stage, we fully assessed the potential impact the construction of the scheme may have on the local environment, particularly around the possibility of environmental harm or disturbance within the river. Where our activities could potentially impact the environment, we identify measures that we can put in place to minimise these impacts. These measures include timing our works to avoid when fish migrate and spawn, re-locating our works to avoid areas where protected species live and the adoption of pollution prevention measures which are in line with agreed best practice guidelines.

Our assessments and mitigation measures are documented in our Environmental Statement (which was submitted to Westmorland & Furness Council alongside our planning application), our Construction Environmental Management Plan (which was submitted to Westmorland & Furness Council in support of our planning permission), our Environmental Action Plans and our methods of working.

During the works our Independent Ecological Clerk of Works, together with the Contractor, continually monitor the activities and make any necessary adjustments to ensure environmental compliance throughout the life of the project. This may include temporarily stopping the works until we have put additional protection measures in place.

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