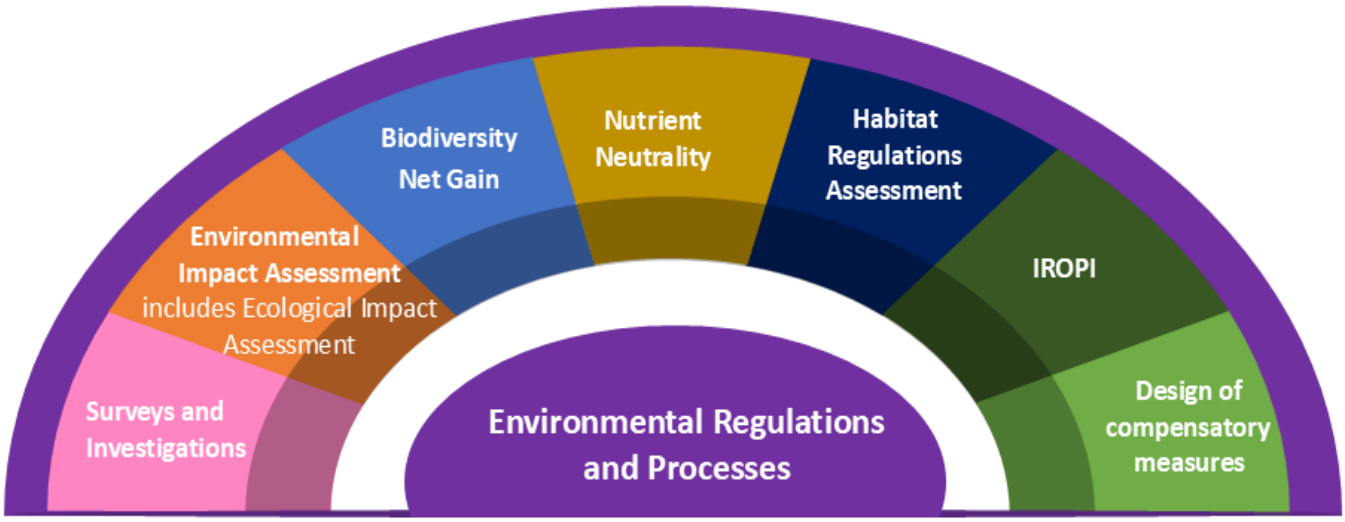
The Environment Agency is delivering a Flood Risk Management Scheme (FRMS) to better protect homes and businesses from flooding in the Kent Catchment, enhance the local environment and improve community amenities.

The aim of the Kendal and Upper Kent Catchment Flood Risk Management Scheme is not only to protect people and properties from flooding, but to create a lasting benefit for the community and the local environment. As part of this work there are a number of Environmental Regulations we will follow. This factsheet will provide you with an overview of these regulations and explains how they relate to our scheme.

What are Environmental Regulations?

Environmental Regulations set the legal framework that aims to protect and enhance important habitats and species from development, unsustainable land management and other potentially harmful activities. In UK law, the framework for environmental regulations is set by the Environment Act 2021, the UK Habitats Regulations (The Conservation of Habitats and Species Regulations 2017, as amended) and Town and Country Planning (Environmental Impact Assessment) Regulations 2017.



What does this mean for our flood defence scheme?

In line with the Environment Agency's long-term goal of fostering a long lasting, climate ready, sustainable future for people and wildlife, there are a number of environmental regulations we need to adhere to as we develop the scheme design.

Surveys and Investigations

Surveys and investigations serve as the foundation of the scheme design as they provide the baseline data on environmental conditions, wildlife, and the potential impacts of proposed flood risk management measures. The information gathered is used to ensure we comply with environmental regulations and is used to inform the decision-making process.

Environmental Impact Assessments (EIA) and Ecological Impact Assessments (EcIA)

An Environmental Impact Assessment (EIA) is a broader assessment that evaluates the overall environmental effects of a project. The EIA primarily focuses on environmental factors, including potential impacts on air quality, water resources, biodiversity and human health. In contrast, the Ecological Impact Assessment (EcIA) focuses specifically on potential impacts on habitats, species and ecosystems.

Both assessments ensure that appropriate mitigation measures are put in place to address these effects. These measures could include restoring habitats, improving water quality, and enhancing biodiversity. Additionally, the findings of the EIA and EcIA can influence the use of materials, construction methods and the overall design of the scheme.

Biodiversity Net Gain (BNG)

Biodiversity Net Gain (BNG) is a legal requirement that came in with the Town and Country Planning Act 1990 (Schedule 7A, as inserted by the Environment Act 2021, Schedule 14) that aims to improve the natural environment and ensure all development has a measurably positive impact or 'net gain' of 10% on biodiversity value. Through the scheme, the Environment Agency's goal is to leave the environment in a better condition that it was before.

White clawed crayfish

Nutrient Neutrality

Linked to the Habitats Regulations Assessment (HRA) process, Nutrient Neutrality guidance provided by Natural England, aims to prevent excess nutrients, such as nitrogen and phosphorus, from entering water bodies. Excess nutrients can lead to harmful algae blooms and degrade water quality. Therefore, it is important to assess potential nutrient inputs resulting from the construction and operational phases and introduce any necessary mitigation measures. This approach ensures that nutrient levels do not increase, helping to maintain the ecological balance. Potential mitigation measures could include the introduction of constructed wetlands, retention ponds or swales.

Swale and wall

Habitats Regulations Assessment (HRA)

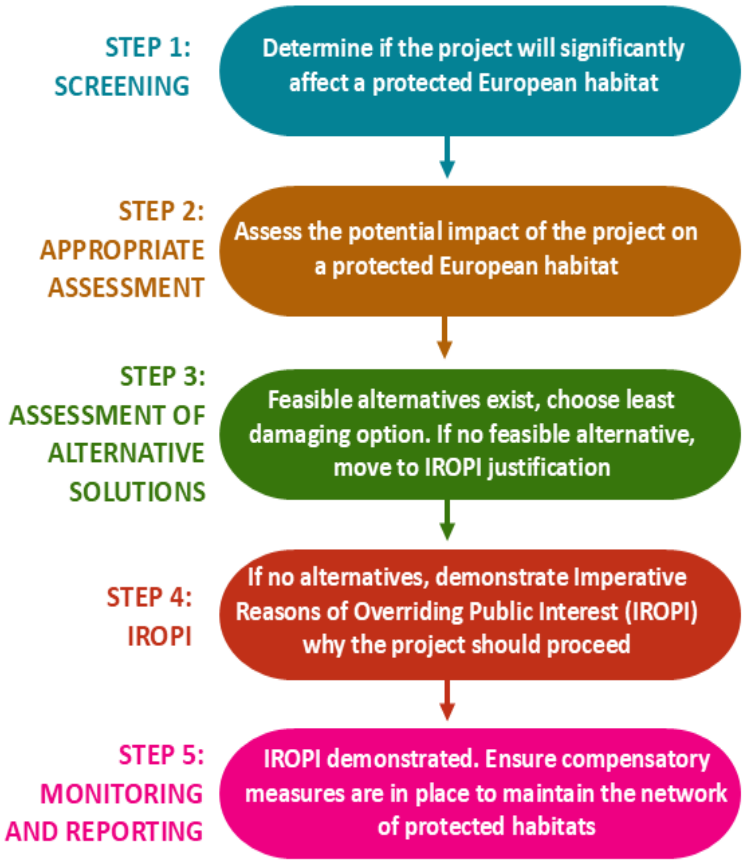
A Habitats Regulations Assessment (HRA) assesses whether a plan or project is likely to have a significant impact on a European protected habitat or species beyond reasonable scientific doubt. Given its potential significant effects on a protected European site, the flood risk management scheme must undergo a HRA. As the scheme requires an EIA, ECIA and a HRA, as a legal requirement.

How a Habitat Regulations Assessment can result in Imperative Reasons of Overriding Public Interest (IROPI)

The Environment Agency aims to enhance biodiversity through the scheme, across the catchment and beyond. Using the Habitat Regulations Assessment (HRA) we can ensure that design modifications are made to reduce direct impacts on the Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

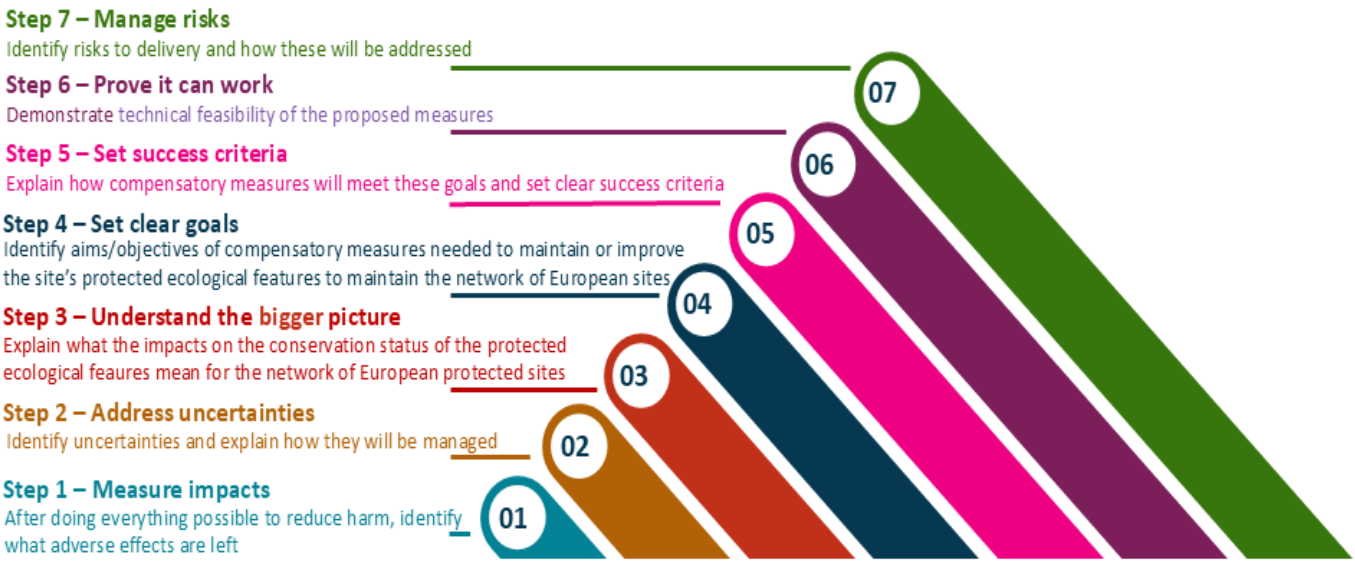
The principle of Imperative Reasons of Overriding Public Interest (IROPI) is one of three tests (the other two being an assessment of alternative solutions and compensatory measures) that allow projects with significant public benefits to proceed, even when they impact protected European sites.

If no feasible alternative solutions exist, the team must demonstrate Imperative Reasons of Overriding Public Interest (IROPI) to justify why the scheme should proceed despite its potential impact on these sites.



Design of compensatory measures – a seven-step approach

Compensatory measures are designed to offset any potentially negative impacts of the scheme on the environment.



Together these regulations ensure that the flood risk management scheme is designed and implemented in a way that preserves the natural environment whilst protecting communities. They help balance the need for flood protection alongside the preservation of natural habitats and resources, ensuring a sustainable and resilient approach to managing flood risk.

Contact us and keep up to date

There are a variety of ways you can contact us and keep up to date:

Visit our online information hub at www.thefloodhub.co.uk/kendal

Follow us on Twitter @EnvAgencyNW

Get in touch by emailing kendalFRMS@environment-agency.gov.uk

Contact us on 03708 506 506

THE FLOOD HUB

Come and see us at our Flood Scheme Information Hub located on Beezon Road (adjacent to Lidl), Kendal, LA9 6BW. Open every Tuesday and Thursday 10am to 4.30pm.

VolkerStevin Engage

Our new project app allows you to keep up to date on the Kendal Flood Risk Management Scheme, view construction progress, images and provide feedback. Scan the QR code to download.

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