



Rationalising the Main River Network  
(RMRN): National Overview  
Consultation - Consultation Response  
Document

We are the Environment Agency. We protect and improve the environment.

We help people and wildlife adapt to climate change and reduce its impacts, including flooding, drought, sea level rise and coastal erosion.

We improve the quality of our water, land and air by tackling pollution. We work with businesses to help them comply with environmental regulations. A healthy and diverse environment enhances people's lives and contributes to economic growth.

We can't do this alone. We work as part of the Defra group (Department for Environment, Food & Rural Affairs), with the rest of government, local councils, businesses, civil society groups and local communities to create a better place for people and wildlife.

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# Foreword

We are committed to working in partnership with local organisations, landowners and communities, so that together we can strengthen our approach to managing flood risk. This means exploring different ways of doing things and finding new ways of working so that we continue to deliver the best possible service by making better use of our collective resources, expertise and local knowledge. The 3 de-maining pilots that we consulted on in January/February 2018 are an important step in making this happen.

We are a national organisation and we take a risk based approach to what we do. When it comes to flooding, we focus our resources on those watercourses where the risk to people and property is greatest. In some locations this means we can only provide a minimal level of service and are not always best placed to manage the risk of flooding, or to oversee water level management.

However, by working with other local risk management authorities such as internal drainage boards (IDBs) and local authorities (LAs) we can look at different management arrangements in different locations so that we strengthen our overall approach to local flood risk management. In essence, by working together we can make sure the right organisations are managing the right watercourses in the right way - fully aligned to the needs of local communities.

We consulted on proposals to de-main 18 watercourses in Suffolk, South Lincolnshire and East Kent.

We received 16 responses to the 3 pilot and 1 national consultations. This followed extensive dialogue and engagement with local groups and communities to make sure everyone had the chance to have their say, and we were able collate many valuable views and opinions from these sessions in the run up to the formal consultations

The views and opinions expressed were varied and covered a range of topics such as future management and regulation of the watercourses, the environment and how maintenance works would be funded.

The feedback has been vital and will inform our decision on how we plan to proceed in transferring responsibilities in these locations and also the approach we take across England in the future.

I would like to thank everyone who has taken part in the consultation and the preceding public drop-ins and meetings. I would also like to thank our IDB and local authority partners who have been willing to explore taking on responsibility for certain watercourses in these locations and who have provided their valuable time and information to support the process.

Catherine Wright

FCRM Director

May 2018

# Executive summary

The Environment Agency want to empower local communities, Internal Drainage Boards (IDBs) and Local Authorities (LAs) to take responsibility for their local flood risk where they want to, and where appropriate.

We have carried out a consultation on proposals to transfer the management of flood risk for the following sections of the following rivers from the Environment Agency to other risk management authorities (RMAs), subject to their agreement.

- Suffolk Rivers, Suffolk - to East Suffolk Internal Drainage Board and Suffolk County Council (LLFA) (some flood risk management activities will transfer to Suffolk Coastal District Council and Waveney District Council)
- South Forty Foot Catchment, South Lincolnshire - to Black Sluice Internal Drainage Board
- Stour Marshes, East Kent - to the River Stour (Kent) Internal Drainage Board

If responsibilities are transferred this means re-designating these sections of river from main river to ordinary watercourse – a process we refer to as de-maining. These sections of watercourse would then be regulated, and where deemed necessary, maintained by the IDBs and LAs listed against each watercourse above. We believe that this action would empower these IDBs and LAs, giving them the ability to manage these sections of watercourse and carry out works for the benefit of local people, where they see fit.

The consultation took place from 15 January until 12 February 2018 to get feedback from all of those individuals, groups and organisations who are affected by, or interested in, our proposals. The consultation set out all of the information on our proposals. It explained how the proposed sections of watercourse are currently managed and funded and provided details on future management and funding, if de-maining does or doesn't take place.

We have now analysed the responses from the consultation.

This document provides a summary of the responses received and describes the next steps in the process.

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# 1. Introduction

## 1.1. Purpose of this document

The Environment Agency is reviewing all of the comments received during the consultation. Thank you to everyone who responded.

The purpose of this document is to:

- Provide an overview of how we ran the consultation;
- Share a summary of the feedback received for each consultation question;
- Present summary information on:
  - the number of responses submitted
  - the types of organisations that responded;
- Explain what will happen next.

## 1.2. What changes we are proposing and why

The Environment Agency proposes to transfer flood risk management activities for the following sections of river and assets to the internal drainage boards (IDBs), lead local flood authorities (LLFAs) and district councils listed below, subject to their agreement.

- Suffolk Rivers, Suffolk - 3 stretches of low risk watercourse (approximately 22.4 km) are proposed for de-maining to East Suffolk Internal Drainage Board and Suffolk County Council (LLFA) (some flood risk management activities will transfer to Suffolk Coastal District Council and Waveney District Council)
- South Forty Foot Catchment, South Lincolnshire - 5 stretches of low risk watercourse, all tributaries of South Forty Foot Drain (approximately 16.8 km) are proposed for de-maining to Black Sluice Internal Drainage Board
- Stour Marshes, East Kent - 10 stretches of low risk watercourse across Stour Marshes, (approximately 36.5 km) are proposed for de-maining to the River Stour (Kent) Internal Drainage Board

If responsibilities are transferred this will result in these stretches of river being removed from the statutory main river map. They will be re-designated as ordinary watercourses - a process we refer to as de-maining. These sections of watercourse would then be managed, regulated or maintained (where deemed necessary by the relevant IDBs and LLFAs and district councils listed above and where there is funding available to do so) to supplement riparian owner maintenance responsibilities.

We prioritise maintenance activities based on flood risk to people and property, and focus management at locations with high flood risk. This means that some main river watercourses, deemed at low risk of flooding, can suffer from intermittent funding. Where flood risk to people and property is low and we have willing partners, we can explore opportunities to transfer responsibility to manage, regulate and maintain a watercourse to other Risk Management Authorities (RMAs) such as an IDB, LLFA or district councils, where appropriate to do so.

De-maining these watercourses would allow local decision-making in how these sections of watercourse are managed. This will allow works to be carried out for the benefit of local people, where it is deemed necessary to supplement riparian owner maintenance responsibilities. Our

permissive powers to undertake maintenance would no longer apply to the sections of river and we would no longer regulate flood risk activities.

There are a range of different assets on each section of river. Such assets include land, bridges, control gates, outfalls, pumping stations, utility services, hydrometry and telemetry monitoring equipment and weirs. These assets are currently maintained by either ourselves, the local authority, water companies or private stakeholders.

Current Environment Agency assets or land along the watercourses will either be transferred to the recipient risk management authority, sold to a third party or remain with the Environment Agency.

Assets which are maintained by landowners and other parties will not change. Please refer to the 'Guidance for owning a watercourse' on GOV.UK (<https://www.gov.uk/guidance/owning-a-watercourse>) for more information on the rights and responsibilities associated with riverside ownership.

These sections of watercourse have low levels of flood risk to people and property and are not associated with major rivers or major population centres. Therefore, we are proposing to transfer management and the power to undertake maintenance of these sections of watercourse to the IDBs or LLFAs and district councils listed above. This is in line with the requirements set out in the Statutory Main River Guidance (please refer to section 5.2 in the appendices).

## 2. How we ran the consultation

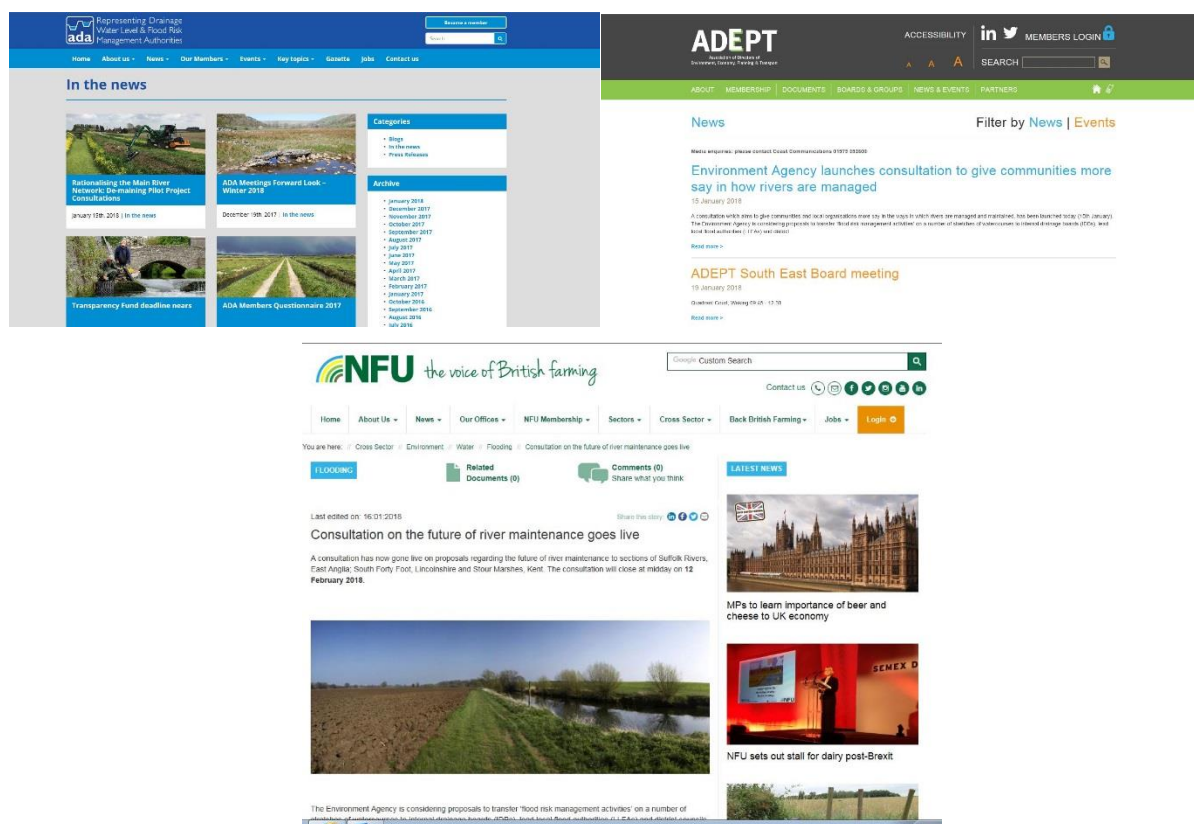
During October 2017 we held a number of public drop-in events to discuss our proposals. We have also met and consulted with county councils, district councils, parish councils, Natural England, the National Farmers Union, Blueprint for Water and a range of other stakeholders. For more details please refer to each of the Pilot area consultation responses documents.

We used the feedback from the public drop-in sessions and meetings to help us decide upon our final formal consultation proposals. A formal consultation on the proposals was then published using our online engagement tool, Citizen Space, between 15 January and 12 February. A summary of responses to the National Overview Consultation can be found in section 3 below. Please refer to the relevant Pilot area consultation responses document for a summary of the responses to each Pilot area consultation.

The formal consultation was advertised in the following ways:

Formal paid for notices were published to advertise the consultation in local newspapers in each of the pilot areas in the weeks before the launch date of 15 January. Alongside the paid for promotion, we ran a media campaign.

A press release was issued on the launch date, 15 January, sent to local and national media. A national spokesperson as well as local spokespeople in the pilot areas were available for interview. The release was also sent to our national partners for inclusion on their own websites. These were displayed on the news and homepages with direct links to the consultation by for example: Association of Drainage Authorities (ADA), Association of Directors of Environment, Economy, Planning and Transport (ADEPT), National Farmers Union (NFU).



The press release was also sent to all our local partners, with the request to share with their members and to publish on their website. A number of councils published the information in full with direct links to the online consultation. For example: Norfolk Coastal Partnership, East Suffolk and Fordwich Town Council.



The press release was also published on the websites of IDBs, such as Black Sluice.



### Have your say in how rivers are managed

Posted by Suffolk Coastal and Waveney District Councils on 24 January 2018 | Comments

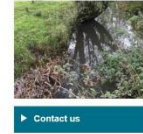
**Tags:** consultation, Suffolk, flooding

A consultation has been launched which gives communities and local organisations more say in the ways in which rivers are managed and maintained.

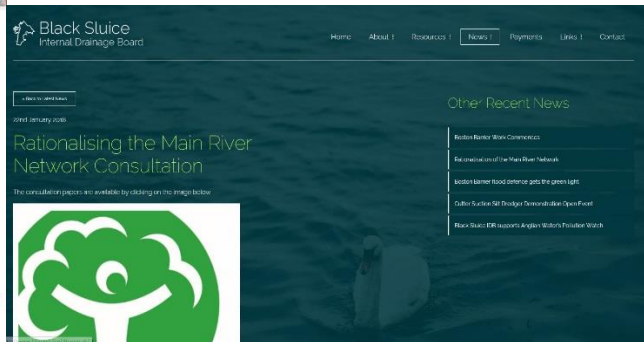
The Environment Agency is considering proposals to transfer 'flood risk management activities' on a number of stretches of watercourses to internal drainage boards (IDBs), lead local flood authorities (LLFAs) and district councils. This will only happen where the watercourses have a low level of flood risk, are not associated with major rivers or major city centres and where the local community supports the change.

A transfer would mean that IDBs, LLFAs and district councils can take on more responsibility for their local flood risk, where appropriate – by carrying out activities such as maintenance or giving permission to carry out works.

The Environment Agency has been working with partners to consider proposals to re-designate sections of watercourses in a number of locations. The watercourses will be re-designated from what is currently

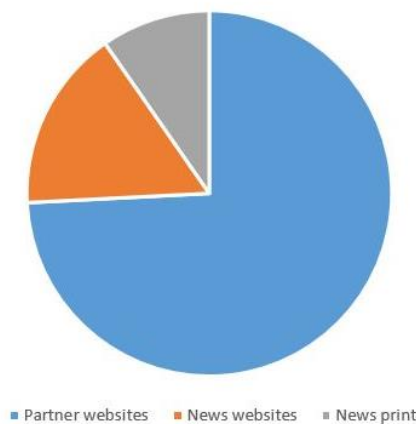


Contact us



The press release was published in three local newspapers. The breakdown of the media coverage was as follows:

Media coverage breakdown



Partner websites 74%

News websites 16%

News print 10%

Posters promoting the consultation were sent to the councils in each of the pilot areas via email, for them to print and display in their offices and public notice boards.


We used the Environment Agency's national and local Pilot area social media accounts to drive online traffic to the consultation page, via a direct hyper link.

A week long twitter campaign in each pilot area ran from the 15 January followed by a second campaign for the last week to remind people of the close date, 12 February.


A total of 26 tweets, using the hashtag #demaining were published, and there were 81 retweets and 74 likes.

Therese Coffey Retweeted

**EnvAgencyAnglia** @EnvAgencyAnglia · Jan 31  
Your opinion on proposals to de-main stretches of watercourse in #Suffolk is important - please share your views via the formal consultation which runs until February 12 #Demaining [ow.ly/Ukf330hk7qe](https://www.gov.uk/government/consultations/consultation-on-proposals-to-de-main-stretches-of-watercourse-in-suffolk) @The\_WMA @suffolkcc @SuffolkCoastal & @waveneydc



**Environment AgencySE** @EnvAgencySE · Jan 19  
Find out more about options to strengthen local decision making around flood risk management by ensuring the right bodies are managing the right watercourses in #Kent - public consultation starts 15 Jan #Demaining [gov.uk/government/con...](https://www.gov.uk/government/consultations/consultation-on-proposals-to-de-main-stretches-of-watercourse-in-kent)



3 retweets, 2 likes

**Env Agency Midlands** @EnvAgencyMids · Jan 30  
We want to hear your views on proposals to de-main some stretches of watercourse in the South Forty Foot Catchment #Lincolnshire. Please take part in the formal consultation #Demaining [gov.uk/government/con...](https://www.gov.uk/government/consultations/consultation-on-proposals-to-de-main-stretches-of-watercourse-in-lincolnshire)

3 retweets, 4 likes

### 3. Summary of consultation feedback

This section covers the consultation responses submitted to the national overview consultation. 4 responses were submitted online by answering the consultation questions. All responses to the online national overview consultation in full can be viewed online: <[https://consult.environment-agency.gov.uk/fcrm/de-maining-pilot-proposals-overview-consultation/consultation/published\\_select\\_respondent](https://consult.environment-agency.gov.uk/fcrm/de-maining-pilot-proposals-overview-consultation/consultation/published_select_respondent)>. 1 response was received via letter. This response is included in a separate document entitled "Written responses received to the consultation" which is available online: <https://consult.environment-agency.gov.uk/fcrm/de-maining-pilot-proposals-overview-consultation/>

The 5 responses received contained a mixture of positive and negative comments towards the de-maining proposals. The word diagram below illustrates some of the key themes that were raised during the consultation.



Responses were received from: The Bedford Group of IDBs, Chiltern District Council, The Welland Rivers Trust and the Country Land & Business Association. A response was also received from Blueprint for Water, who stated that: "This response is supported by: Angling Trust, Rewilding Britain, Rivers Trust, RSPB, The Wildlife Trusts, Wildfowl and Wetlands Trust".

The following pages summarise the responses received by themes from the consultation.

### 3.1 Are the de-maining proposals supported?

In response to the question "Overall, do you support the de-maining proposals", 3 respondents ticked yes and 1 respondent ticked no. One respondent didn't complete the online survey and therefore didn't answer this question, however, they stated that *"Although we support the progress of the three pilots, we remain concerned about rolling out de-maining further."*

Reasons given for supporting the proposals included:

*"By ensuring the right people are managing their watercourses, the end result will likely be better local flood risk management and decision-making."*

*"We believe IDBs have superior local knowledge...ensuring maintenance activities are carried out as and when required as opposed to de-prioritising action in favour of other higher risk areas across the country due to funding constraints."*

*"...de-maining the river will enable another RMA to undertake proactive management and maintenance of the new ordinary watercourse to provide effective and efficient water level and flood risk management."*

*"...it will give communities more say in how their rivers are managed, allowing those who know the layout of their land to take control of their local watercourses."*

Reasons given for not supporting the proposals included:

*"This appears to be an exercise in reducing expenditure for the EA. Whilst this is not a problem, by passing responsibility to local authorities - the expectation is that they will manage and maintain. However, LAs do not have funding to undertake this."*

*"Whilst the 3 mentioned projects are not within our area, we are responding because this could set a worrying trend for future care of our main rivers."*



## 3.2 Management

In response to the question "If de-maining goes ahead the Environment Agency will no longer be responsible for managing flood risk for these watercourses. This responsibility will pass to other risk management authorities (IDBs and LLFAs). How satisfied would you be about this?" 1 respondent was "very satisfied", 2 respondents were "satisfied" and 1 respondent was "very dissatisfied". One respondent didn't complete the online survey and therefore didn't answer this question. However, their comments relating to changes in responsibility for managing flood risk and our response to those comments are highlighted in the table below.

The responses drew on the themes of governance, experience, expertise and willingness of the new risk management authorities, the river as a system, reliance on riparian owners to carry out maintenance, and local knowledge and priorities.

We have addressed each of these point in turn in the table below.

| You said...   | Our response...   |
|---|---|
| <p><b><i>"The original announcement from ADA about the demaining pilots suggested that they would also be used to assess how effectively IDBs are governed and report on their work. This is important in improving the local accountability of IDBs. We would hope that decisions about the transfer of responsibility for watercourse maintenance would consider the constitution of a candidate IDB to ensure that it adequately reflects the wider interests of those who fund it and for such an IDB to be able to demonstrate a good track record in reporting and engaging stakeholders in its work."</i></b></p> <p><b><i>We "...are satisfied with the proposal that the management of low-risk watercourses will be transferred to other risk management authorities (IDBs and LLFAs), but only where these other authorities wish to take on this responsibility, and where they have the experience and expertise to do so."</i></b></p> <p><b><i>"Capacity and ability of risk management authorities to effectively take on responsibility is hugely variable, especially regarding ensuring sensitive environmental management. As such the pilots should be used to highlight process and good practice. Any future demaining sites should be considered equally robustly as the current pilots on a case by case basis."</i></b></p> | <p>The Environment Agency must take account of specific criteria set out by Government when deciding whether to re-designate a main river. Defra have issued statutory guidance on designation of main rivers under section 193E of the Water Resources Act 1991. <a href="#">The guidance is available on GOV.UK.</a></p> <p>The guidance states that: "When considering changing the status of a watercourse, the Environment Agency should consider if those taking on responsibility have sufficient competence, capability and/or resources for flood risk management, including whether their governance enables sufficient competence, capability and/or resources, and local accountability. In carrying out this assessment, the Environment Agency should seek Defra's views."</p> <p>We will only de-main where there is a willing recipient (IDB or LLFA with support from district councils if the LLFA is a county council) and we will work with and support them to ensure they understand and can manage the environmental aspects of the watercourses proposed to be de-mained.</p> |
| <p><b><i>"It is also important that the Environment Agency recognise the function of the watercourse system and whether their regime of 'undertaking no maintenance due to intermittent funding' is a) beneficial as</i></b></p>  | <p>Considering the river as a system is one of the principal criteria in the statutory guidance to ensure flooding is managed at a catchment scale.</p>   |

|   |  |
|---|--|
| <p><b><i>the least environmentally intrusive action, or b) detrimental to a modified watercourse where maintenance is essential to manage water levels and flood risk for the common good."</i></b></p> <p><b><i>"We do have some concerns around the expertise that is accessible to some local risk management authorities as regards flooding, as well as the duplication of effort required. For instance, the Environment Agency's considerable work to advance research and development on Natural Flood Management techniques may not be communicated or disseminated to those carrying out maintenance activities in local areas. We would ask that consideration be given to this concern in the de-maining process and support be made available and appropriately communicated by the Environment Agency to risk management authorities."</i></b></p> <p><b><i>"The de-maining process seems like an effective solution to meet the Agency's current financial shortfalls, but the savings generated from de-maining should be put towards working with catchment partner organisations to assist them further in their efforts to help the EA meet its statutory obligations in improving river systems."</i></b></p> <p><b><i>"The work done on future de-mained watercourses must not add to any flood risk downstream that would require remedial action".</i></b></p> | <p>In addition, we retain our strategic overview role under the Floods and Water Management Act and our responsibilities under the Water Framework Directive following de-maining, and will therefore continue to work closely with the bodies we are transferring to.</p>   |
| <p><b><i>"To rely on riparian owners to undertake maintenance of a watercourse that was deemed important enough to be classed as a Main River in the past, would be unacceptable as flood risk to the system as a whole would increase significantly, and be a retrograde step back to pre 1930s."</i></b></p>  | <p>There will be no change to the responsibilities of a riparian owner following de-maining.</p>   |
| <p><b><i>"We believe IDBs have superior local knowledge...ensuring maintenance activities are carried out as and when required as opposed to de-prioritising action in favour of other higher risk areas across the country due to funding constraints."</i></b></p>  | <p>This is one of the benefits of de-maining for local communities. De-maintenance will allow local partners such as IDBs, LLFAs and district councils to manage, regulate and where they choose to do so undertake maintenance on watercourses. This means decisions on watercourse maintenance will be made at a local level, and be better informed through greater collaboration between all local stakeholders.</p> |

### 3.3 Regulation

In response to the question "If de-maining goes ahead the Environment Agency will no longer be responsible for regulating flood risk management activities for these watercourses. This responsibility will pass to other risk management authorities (IDBs, LLFA and/or District Councils). How satisfied would you be about this?", 1 respondent was "very satisfied", 2 respondents were "satisfied" and 1 respondent was "very dissatisfied" One respondent didn't complete the online survey and therefore didn't answer this question.

The responses drew on the themes of: feasibility of LLFAs and districts to undertake regulatory action, improvements for community groups who want to get involved in habitat enhancements, and the apparent contradiction with the consultation on increasing permitting charges for works on main rivers.

We have addressed each of these point in turn in the table below.

| You said...   | Our response...  |
|---|--|
| <p><b><i>"There is some concern...around the feasibility of LLFAs and district councils to undertake regulatory action. While the consultation document (p.8) says: 'We will consider whether the new RMA have powers to regulate third party activity as part of the risk analysis when making a decision as to de-main or not. This is particularly pertinent when we are de-maining to LLFAs and district councils.' - we would request more detailed information as to how this process will take place where LLFAs and district councils are in place due to the absence of IDBs, as it may be the case that the most appropriate solution is to extend an existing IDB or create a new one in these areas."</i></b></p> | <p>There remains a legal requirement for regulation to ensure that the environment is protected, and that people and property are protected from flooding. We will not de-main unless we are confident that these legal requirements will be fulfilled.</p>  |
| <p><b><i>"De-maining watercourses will likely make it easier and less-expensive for community groups and charities to gain permission to conduct river restoration/improvement works and assist the EA in meeting its statutory WFD obligations. These low-risk watercourses can suffer from intermittent funding, often at the detriment of riverine biodiversity in the watercourse. De-maining low-risk rivers may allow charitable groups (such as rivers trusts) to conduct more habitat improvement work in these areas, benefiting the local wildlife."</i></b></p>  | <p>One of the benefits of de-maining is that the new risk management authority will be better placed to make use of local knowledge, allowing communities to be involved in making relevant decisions based on local needs and what maintenance can be locally afforded.</p>   |
| <p><b><i>"De-maining low-risk rivers to provide greater management powers to local communities appears to contradict the recent proposals to increase permitting charges for other local community groups and charities in 'main-river' areas."</i></b></p>   | <p>The Rationalising the Main River Network pilots and the Strategic Review of Charges are consultations for separate projects with different business outcomes.</p> <p>The new charges have been introduced so that businesses and organisations pay for the full cost of the services they receive rather than the</p> |

|  |  |
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|  | public – this represents a more financially-sustainable model which is simpler, fairer and more effective and that will lead to long-term environmental and flood risk management improvements |
|--|--|

### 3.4 How money will be raised

In response to the question "If de-maining goes ahead how satisfied are you with how money will be raised to pay for maintenance?", 1 respondent was "very satisfied", 2 respondents were "neither satisfied or dissatisfied" and 1 respondent was "very dissatisfied" One respondent didn't complete the online survey and therefore didn't answer this question.

The responses drew on the themes of: the adequacy and certainty of future funding, cost implications for new owners due to asset condition and precept adjustments,

We have addressed each of these point in turn in the table below.

| You said...   | Our response...  |
|---|--|
| <p><b><i>"...if the RMA does not receive adequate funding to undertake management and maintenance, then there would appear to be no benefit in changing the designation by de-maining. This may be a particular risk for Local Authorities, who no longer have a flood risk management maintenance budget."</i></b></p> <p><b><i>"It is critical that funding is available for the future management and maintenance of the watercourse, whether it be main river or ordinary watercourse."</i></b></p> <p><b><i>"This appears just to be a cost shifting exercise from the EA to Local Authorities. Although it would appear that the funding is not being transferred, just the responsibility!"</i></b></p> <p><b><i>"Where funding opportunities for watercourse maintenance by a LLFA is uncertain, de-maining may not be appropriate."</i></b></p> <p><b><i>"...there are concerns that where LLFAs and district councils are unable to raise ring-fenced funding, necessary maintenance activities will be deprioritised in the short term, inevitably leading to longer term and larger scale impacts (and associated costs and liabilities) of inaction. These impacts are likely to be borne by riparian landowners, even if they have fulfilled their ongoing statutory duties."</i></b></p> | <p>The statutory guidance requires us to "...consider relevant benefits or costs for the local community and representations from the local community and others in response to consultation".</p> <p>When the new risk management authorities take their decision about whether they will take on responsibility for the watercourse, they consider whether they have, or can raise, adequate funding to carry out their responsibilities.</p> <p>Information on how the new risk management authorities plan to manage the watercourses in future, and whether they need to raise additional funds has been published in the individual consultations.</p> |



|  |  |
|--|--|
| <p><b><i>"While we recognise the Environment Agency's gap in resources and move to transfer costs and previous maintenance activities to those who make most use of these outcomes, we are cautious that in certain circumstances activity may not be undertaken due to similar resourcing issues at a local level. Furthermore, we do not support any increase in costs to riparian landowners and/or IDBs as a result of the de-maining process."</i></b></p>  |  |
| <p><b><i>"Assets will need to be in good condition prior to de-mainment, such that local funding will provide for technically effective and financially efficient continued maintenance in the future. It is essential that IDB Board Members / LA Councillors have agreed to the demaining and adoption, such that the democratic process supports local funding for the local watercourse. There are mechanisms in place for public bodies to raise funding for water level management works, as per Appendix B. However, funding needs to be provided so that the RMA can undertake proactive watercourse maintenance."</i></b></p> <p><b><i>"While IDBs represent the most effective way of collecting funding and allocating resources, we do have concerns around the scale of cost transfers that will occur and any liabilities that may come with the transfer of assets to IDBs, and particularly landowners. Many of these assets were introduced decades ago and will be nearing their end of life and thus turn from assets to liabilities, thereby imposing costs onto the future owners."</i></b></p> | <p>We plan to provide funding for transferring an asset as part of de-maining a watercourse to an IDB or LLFA to reflect the liability that the new risk management authority are taking on.</p> <p>As part of the de-maining process, local partners agree to take responsibility for the ongoing maintenance of the transferred watercourses and assets where they choose to do so in addition to the responsibilities of riparian owners.</p> <p>Information on the assets has been provided to partners and included as part of the consultation.</p>  |
| <p><b><i>"We also advocate for a guarantee that local agreements to adjust IDB precept payments to the Environment Agency will be possible following de-maining. The current wording in the consultation document (Appendix B, p.18) reads 'it may be possible...'. "</i></b></p>  | <p>We will consider any adjustments to IDB precept charges as a result of de-maining as part of the local discussions on the annual maintenance programme.</p> <p>The Environment Agency Board sets the value of the precept for each IDB annually, following consultation with and obtaining the consent of the regional flood and coastal committees (RFCCs).</p> <p>We are unable to guarantee a reduction in precept, because there is no direct link between the level of the precept and the length of main river, or the work to be carried out in or directly for the benefit of that drainage district.</p> |

## 3.5 The environment

In response to the question "If de-maining goes ahead how satisfied are you with the changes to who is responsible for how the environment is considered and protected?", 1 respondent was "very satisfied", 1 respondent was "satisfied" 1 respondents was "neither satisfied or dissatisfied" and 1 respondent was "very dissatisfied" One respondent didn't complete the online survey and therefore didn't answer this question. However, their comments relating to the environment and our response to those comments are highlighted in the table below.

The responses drew on the themes of: lack of knowledge of riparian owners, the level of scrutiny in future de-maining, ongoing environmental monitoring for the pilot projects and ensuring the same level of environmental protection is secured.

We have addressed each of these point in turn in the table below.

| You said...   | Our response...  |
|---|--|
| <p><b><i>" There is a significant risk if a RMA is seeking the riparian owners to undertake maintenance, as individual owners may be less familiar with environmental legislation, and unlikely to be aware of watercourse maintenance best practice, protected species, health and safety, the use of specialist plant (using bio oil)."</i></b></p>   | <p>There will be no change to the responsibilities of a riparian owner following de-maining, including their requirement to comply with environmental legislation.</p>   |
| <p><b><i>"... we need assurance that any further schemes put forward will be undertaken with the same level of scrutiny with which the pilot projects were undertaken. For example, in understanding whether suitable bye-laws and biodiversity action plan are in place and good engagement with Natural England influences decision making. We welcome the development of comprehensive handover packs, although these should make clear any gaps in data and information."</i></b></p> | <p>All of these aspects are included as part of our de-maining process.</p>  |
| <p><b><i>"We recommend that the Environment Agency monitors the environmental management of watercourses affected by these demaining pilots over coming years, to ensure that there is no negative impact of the decision on wildlife. This information can be used for adaptive management and influencing decisions on how any potential future demaining projects are undertaken."</i></b></p>   | <p>We will continue to undertake routine environmental monitoring for wider purposes, but do not plan to carry out specific environmental monitoring on the de-mained stretches.</p>   |
| <p><b><i>"The most important point is that these watercourses do not experience a decrease in environmental protection, or WFD status, as a result of de-maining. If we are not careful, the de-maining of low-risk rivers may allow landowners and organisations the opportunity to carry out drainage work without a full Environmental Impact"</i></b></p>   | <p>We aim to ensure that de-maining will not have an adverse effect on the environment. Where there are any significant differences in how the environment is considered by risk management authorities we take a risk based approach to ensure environmental readiness and levels of environmental protection are maintained. If we</p> |

**Assessment (EIA). The work done on future de-mained watercourses must not add to any flood risk downstream that would require remedial action as well as enhancing biodiversity. Any work conducted on de-mained watercourses must involve some form of EIA."**

**"While...<we>...are happy for the EA to de-main low flood-risk rivers, passing the responsibility of maintenance to LLFAs and IDBs, we feel that this should be limited to situations where the end result will a maintenance or improvement in the WFD status of the watercourse".**

**"IDBs are best placed to ensure that environmental protection is adhered to and already have the existing structures and byelaws in place to do so effectively. This does not appear to be the case for all LLFAs and district councils."**

identify any specific risks we will seek methods to reduce those risks to acceptable levels.

## 4. Next steps

We will take into account all of the consultation responses received and consider these alongside the criteria set out in the Statutory Main River Guidance to the Environment Agency (please refer to appendix 5.3) before deciding whether to proceed with the proposal.

If we decide to proceed with de-maining we will publish a “proposal for designation change” notice on .GOV.UK and in local newspapers. We will also notify people who have responded to the consultation and provided us with an email address. Anyone can challenge the decision to de-main by email or in writing to Department for Environment, Food and Rural Affairs (Defra) within 6 weeks of the publication of the notice.

# 5. Appendices

## 5.1 List of consultation participants

Responses were received from:

- Blueprint for Water (supported by: Angling Trust, Rewilding Britain, Rivers Trust, RSPB, The Wildlife Trusts, Wildfowl and Wetlands Trust)
- The Bedford Group of IDBs
- Chiltern District Council
- The Welland Rivers Trust
- Country Land & Business Association

## 5.2 Statutory Main River Guidance

This guidance sets out the basis on which the Environment Agency should decide whether or not a river or watercourse is treated as a 'main river'. The guidance has been issued under section 193E of the Water Resources Act 1991.

Main rivers are usually larger rivers and streams. They are designated as such, and shown on the [Main River Map](#). The Environment Agency carries out maintenance, improvement or construction work on main rivers to manage flood risk. Other rivers are called 'ordinary watercourses'. Lead local flood authorities, district councils and internal drainage boards carry out flood risk management work on ordinary watercourses.

The Environment Agency is responsible for maintaining a map of the main river (the Main River Map) and making any changes to it, and determining whether or not a watercourse, or part of a watercourse, is to be treated as a main river or part of a main river. This guidance has been issued by the Secretary of State for Environment, Food and Rural Affairs and the Environment Agency is required to have regard to it.

### **A. Criteria for determining whether or not a watercourse or part of a watercourse is suitable to become or to remain a main river or a part of a main river**

References to a watercourse include both a whole watercourse and parts of a watercourse.

The criteria below are primarily directed at the management of flood risk. Any determination will need to be made in the context of the Environment Agency's other relevant functions (and this may include environmental considerations, where relevant).

#### **1. Principal criteria**

##### *Flood consequence*

1.1 A watercourse should be a main river if significant numbers of people and/or properties are liable to flood. This also includes areas where there are vulnerable groups and areas where flooding can occur with limited time for warnings.

##### *Managing flooding across the catchment*

1.2 A watercourse should be a main river where it could contribute to extensive flooding across a catchment.

1.3 A watercourse should be a main river if it is required to reduce flood risk elsewhere or provide capacity for water flowing from, for example, a reservoir, sewage treatment works or another river.

#### **2. Secondary considerations if changing the status of a watercourse**

##### *An efficient network*

2.1 When considering changing the status of a watercourse, the Environment Agency should avoid short stretches of watercourses of alternating main river and ordinary watercourse status to provide clarity and to minimise inefficiency through multiple authorities acting on the same watercourse.

##### *Competence, capability and resources*

2.2 When considering changing the status of a watercourse, the Environment Agency should consider if those taking on responsibility have sufficient competence, capability and/or resources for flood risk management, including whether their governance enables sufficient competence, capability and/or resources, and local accountability. In carrying out this assessment, the Environment Agency should seek Defra's views.

##### *Other relevant criteria*

2.3 The Environment Agency may have regard to other relevant factors that it considers appropriate when exercising its discretion to determine whether to change the status of a

watercourse or part of a watercourse. The Environment Agency should consider relevant benefits or costs for the local community and representations from the local community and others in response to consultation.

## **B. Guidance in respect of consultation and publication under section 193C(2) and (5) Water Resources Act 1991**

### **How proposed amendments are publicised**

There are two types of change the Environment Agency may make to the main river map:

Factual changes (updating the map so the location of watercourses is more accurate)

Designation changes (changing an ordinary watercourse so that it is a main river, or a main river so that it is an ordinary watercourse)

Under section 193C(2) of the Water Resources Act 1991 the Environment Agency must publicise any proposed changes to the main river map and consider representations made.

### **Factual changes**

1.1 The Environment Agency must publish notices of proposed factual changes on GOV.UK.

1.2 The Environment Agency should also consider contacting the landowners when the map is being amended to show the correct course of a culvert (a structure that lets the watercourse go under a road, for example).

### **Designation changes**

2.1 The Environment Agency must publicise proposed designation changes in the following ways:

By writing to any person who owns land next to the watercourse, and other key stakeholders (for example, Internal Drainage Boards or Local Authorities);

By placing public notices in local newspapers;

By publishing notices on GOV.UK;

By placing notices in local buildings (for example, in libraries or council offices).

2.2 The Environment Agency should carry out proportionate and meaningful consultation on designation changes by:

Giving stakeholders an opportunity to shape, comment on and influence the outcome.

Stakeholders include directly affected landowners, relevant public bodies, relevant interest groups and other persons, including the local community, affected by or interested in a proposed determination to change the designation of a watercourse;

Providing sufficient information and allowing enough time to enable stakeholders to understand how the proposal affects them and engage with the issues. This should include providing relevant information on the flood risk, environmental aspects, the costs and benefits for local communities and coordinating with those taking on the responsibility for the watercourse to help the public have access to information on proposed future management of the watercourse; and taking into account the views of all those who respond to the consultation when reaching its decision.

2.3 Anyone aggrieved by the designation change has the right to appeal to the Secretary of State.

## 6. Acknowledgements

We would like to thank the Association of Drainage Authorities (ADA), The Association of Directors of Environment, Economy, Planning and Transport (ADEPT), Blueprint for Water and all of those IDBs, LLFAs and district councils involved in these pilots for their contributions and support in developing our consultation proposals.

We would like to thank our national and local partners for helping us to advertise and promote this consultation. This includes ADA, ADEPT, National Farmers Union, Local Government Association, Country Land and Business Association and all those IDBs, LLFAs and district councils involved in these pilots.

We would also like to thank all consultees who took the time to attend meetings, public drop-in sessions and respond to the consultation. Your feedback has been extremely valuable and will help inform our decision on whether or not to proceed with the de-maining pilot proposals.



## 7. Glossary

| Word/phrase                   | Definition/explanation  |
|-------------------------------|---|
| <b>Asset</b>                  | A flood risk management asset can be a flood defence such as a wall, embankment or a structure such as a pumping station, weir, sluice gate or a watercourse channel. As a result of its failure or removal or alteration, the likelihood of flooding from main river to people, property, designated environmental sites or infrastructure would increase.   |
| <b>Asset decommissioning</b>  | Planned shut-down or removal of an asset from operation or usage.   |
| <b>Asset maintenance work</b> | Works to maintain the performance and reliability of an asset.  |
| <b>Byelaws</b>                | Byelaws are local laws made by a local council under an enabling power contained in a public general act or a local act requiring something to be done – or not done – in a specified area. They are accompanied by some sanction or penalty for their non-observance.  |
| <b>Competent authority</b>    | An authority or authorities identified under a relevant piece of legislation who has the legally delegated power to perform the designated function.  |
| <b>De-maining</b>             | Re-designation of a watercourse from main river to ordinary watercourse.  |
| <b>Designated sites</b>       | <p>Sites which have been identified under law for having specific environmental protection. Depending on the designation, undertaking works on these sites often require permission or assent from the competent authority. All of the sites except LNRs (see below) are of national or international importance. The main sites covered by this category are:</p> <p>Special Protection Areas and Special Areas of Conservation: these are often referred to as Habitats Directive sites, N2K sites or Protected Areas.</p> <p>Ramsar sites: these are wetlands of international importance designated under the Ramsar convention and are treated in the UK as Protected Areas.</p> <p>Sites of Special Scientific Interest (SSSI): these are nationally important habitat and geological sites designated by Natural England.</p> <p>Scheduled Ancient Monuments (SAMs): Scheduled monuments are of national importance and scheduled under the Ancient Monuments and Archaeological Areas Act 1979</p> <p>Local Nature Reserves (LNRs): these may have ecological importance on local scale and are designated under National Parks and Access to the Countryside Act 1949.</p> |
| <b>District Councils</b>      | Local authorities who perform the flood risk management activities of district and borough and city councils, as well as the second tier responsibilities of unitary authorities.   |

|   |  |
|---|--|
| <b>Environmental Non-Governmental Organisations (ENGOS)</b> | A non-governmental organization (NGO) in the field of environmentalism. Examples of ENGOS include the Wildlife Trusts, RSPB, WWT and Blueprint for Water.  |
| <b>Environmental Permitting Regulations</b>                 | The Environmental Permitting Regulations (England and Wales) 2010 require the Environment Agency to control certain activities which could harm the environment or human health. Flood Risk Activity Permits are issued under these regulations.   |
| <b>FCERM grant in aid</b>                                   | Government grants from the Department for Environment, Food and Rural Affairs (Defra) for flood and coastal erosion risk management.   |
| <b>Flood risk</b>   | Flood risk is expressed by combining information on probability (sometimes referred to as likelihood) and consequence (sometimes referred to as impact).   |
| <b>Flood Risk Activity Permit</b>                           | Permission to ensure that any activities planned in, over, under or next to a watercourse do not cause a risk of flooding or make existing flood risk worse. A permit is also necessary to ensure work will not interfere with flood risk management assets or adversely affect the local environment, fisheries or wildlife   |
| <b>Flood and Water Management Act 2010</b>                  | The legislation by which risk management authorities operate when exercising their powers.   |
| <b>Flood risk management activities</b>                     | Works and activities to manage and reduce the risks of flooding from rivers and the sea to people, property and the natural environment. This includes flood defence projects, flood warning, informing planning decisions, regulation and the maintenance of asset and watercourses.  |
| <b>Governance</b>   | The way that organisations or countries are managed at the highest level and the systems for doing this  |
| <b>General drainage charge</b>                              | Statutory levy payable by the occupiers of agricultural land and buildings and woodland outside an Internal Drainage District (currently used in Anglian Region only) to pay for flood risk management activities  |
| <b>Hydromorphological harm</b>                              | Describes the hydrological and geomorphological processes and attributes of surface water bodies. For example for rivers, hydromorphology describes the form and function of the channel as well as its connectivity (up and downstream and with groundwater) and flow regime, which defines its ability to allow migration of aquatic organisms and maintain natural continuity of sediment transport through the fluvial system. The Water Framework Directive requires surface waters to be managed in such a way as to safeguard their hydrology and geomorphology so that ecology is protected. |
| <b>Internal Drainage Boards</b>                             | An internal drainage board (IDB) is a local public body that manages water levels within their local area, known as an 'internal drainage district.' Working with key partners such as the Environment Agency and lead local flood authorities, IDBs are a fundamental part of managing flood risk and land drainage within England.   |
| <b>IDB precept</b>  | Payments from IDBs to the Environment Agency to reflect water moving from internal drainage districts into main rivers.  |
| <b>Internal Drainage District</b>                           | Internal drainage boards (IDB) are public bodies which manage water levels in some areas where there is a special need for drainage. These areas are known as internal drainage districts.   |

|  |   |
|--|---|
| <b>Land Drainage Act</b>                     | The legislation by which land drainage activities are undertaken. Land drainage in the UK has a specific and particular meaning as a result of a number of Acts of Parliament such as the Land Drainage Act 1991. In this context, land drainage refers to the responsibilities and activities of "internal drainage districts" and "internal drainage boards", both of which are specifically defined by relevant legislation.   |
| <b>Lead Local Flood Authority</b>            | The unitary authorities or county councils responsible for local sources of flooding. LLFAs also develop, maintain and apply a strategy for local flood risk management in their areas and maintain a register of flood risk assets. LLFAs are also responsible for regulatory activities on ordinary watercourses outside of an internal drainage district.  |
| <b>Local authorities</b>                     | This term has been used in this consultation to reflect:<br>County councils and unitary authorities<br>District, borough or city councils   |
| <b>Local levy</b>                            | Funding raised by county councils and unitary authorities via council tax and other council funding mechanisms. May be raised either from within existing budgets or by raising council tax.  |
| <b>Maintenance programme</b>                 | An annual programme of maintenance activities which is developed and where appropriate published by risk management authorities. The Environment Agency maintenance programme is available on GOV.UK.   |
| <b>Main river</b>                            | Main river means all watercourses shown as such on the statutory main river maps held by the Environment Agency and published on GOV.UK.  |
| <b>Ordinary watercourse</b>                  | A watercourse that does not form part of a main river.  |
| <b>Ordinary watercourse consents</b>         | Ordinary watercourse regulation ensures that activities that might affect ordinary watercourses do not increase the risk of flooding on a particular site or further upstream or downstream and do not adversely affect the environment. Regulation consists of issuing consents for acceptable work and undertaking enforcement action to deal with unacceptable activities.   |
| <b>Permissive powers</b>                     | Powers which confer on an organisation the right to do things but not the duty to do them.  |
| <b>Regional flood and coastal committees</b> | RFCCs are committees established by the Environment Agency under the Flood and Water Management Act 2010 that brings together members appointed by lead local flood authorities (LLFAs) and independent members with relevant experience for 3 purposes:<br><br>1) To ensure there are coherent plans for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines.<br><br>2) To promote efficient, targeted and risk-based investment in flood and coastal erosion risk management that optimises value for money and benefits for local communities.<br><br>3) To provide a link between the Environment Agency, LLFAs, other risk management authorities, and other relevant bodies to engender mutual understanding of flood and coastal erosion risks in its area. |
| <b>Riparian landowners</b>                   | Owner of property (i.e. land) alongside a natural watercourse. Under common law they possess rights and responsibilities relating to the stretch of the watercourse which falls within the boundaries of their property.  |

|                                  |   |
|----------------------------------|---|
| <b>Risk Management Authority</b> | Risk management authorities (RMAs) are the Environment Agency, internal drainage boards, lead local flood authorities, district and borough councils, coastal protection authorities, water and sewerage companies and highways authorities. The Flood and Water Management Act 2010 requires these Risk Management Authorities to co-operate with each other, act in a manner that is consistent with the National Flood and Coastal Erosion Risk Management Strategy for England and the local flood risk management strategies developed by Lead Local Flood Authorities and exchange information. They have flexibility to form partnerships and to act on behalf of one another. |
| <b>Statutory main river map</b>  | A map that shows watercourses designated by the Environment Agency as main rivers. The Statutory Main River Guidance that can be found on GOV.UK sets out the basis on which the Environment Agency should decide whether or not a <b>river</b> or watercourse is treated as a ' <b>main river</b> '.   |
| <b>Statutory duties</b>          | The duties and functions that an organisation must undertake by law.  |
| <b>Watercourse</b>               | Includes all streams, rivers, ditches, drains, cuts, dykes, sluices, sewers (other than public sewers) and passages through which water flows.  |
| <b>Water Framework Directive</b> | This Directive is European Union legislation that covers all inland and coastal waters. The Directive sets a framework which should provide substantial environmental benefits for managing water over the long term. River Basin Management Plans are developed and published in accordance with this legislation.   |
| <b>WFD objectives</b>            | <p>Water body objectives consist of two pieces of information: the status (such as 'good') and the date by which that status is planned to be achieved (for example, 'by 2021').</p> <p>The status part of an objective is based on a prediction of the future status that would be achieved if technically feasible measures are implemented and, when implemented, would give rise to more benefits than they cost. The objective also takes into account the requirement to prevent deterioration and, as far as practicable, the requirements of protected areas.</p>   |

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