



Rationalising the Main River
Network (RMRN): Stour Marshes
De-maining Project - Consultation
Response Document

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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 with local organisations, landowners and communities to ensure the right organisations are managing the right watercourses.

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 our focus is on managing watercourses where the flood risk is greatest to people and property, therefore in some locations we are not best placed to lead and manage flood risk.

Working with local partners such as internal drainage boards (IDBs) and local authorities (LAs) we want to ensure the right organisations are managing the right watercourses, supporting local decisions and actions.

We consulted on proposals to de-main 18 watercourses along a length of approximately 76 kms in Suffolk, the South Forty Foot Catchment in Lincolnshire and River Stour Marshes in East Kent. We received 16 responses to the consultation.

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 will inform our decision on how we plan to proceed in transferring watercourses and assets 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. Thanks is also given to our IDB and LA partners who are willing to take on the flood and water level management of these watercourses and provided their time and information to support the consultation.

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).

- 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

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 responsibility for the following sections of rivers and assets from the Environment Agency to the River Stour (Kent) Internal Drainage Board (IDB):

- The Lampen Stream - 1.2km
- The Minster Stream - 9.7km, including the following assets: West Monkton Stop, Minster Siphon, Scout Hut Stop, Ebbsfleet Stop, Saltwater Trash Screen
- The Richborough Stream - 9.2km, including the following assets: Ash Level Stop, Richborough Siphon, Goldstone Siphon
- The uppermost reach of the Great Stour - 5.6km
- The Gosshall Stream - 2.8km, including the following assets: Gosshall Siphon, Fleet Stop
- The Shelvingford Arm - 0.8km
- The General Valley Feed - 0.4km, including the following asset: General Valley Stop
- The North and South Stream and Broad Dyke - 5km
- Sparrow Bridge - 0.5km
- The Hogwell Sewer -1.3km, including the following asset: Hogwell Siphon

This will result in these stretches of the rivers being deleted from the statutory main river map. They will be re-designated as ordinary watercourses, a term we refer to as de-maining, and will then be managed, regulated and maintained by the River Stour (Kent) IDB.

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 RMAs such as an IDB, LLFA, or district council, where it is appropriate to do so.

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, regulation and the power to undertake maintenance of these sections of watercourse to the River Stour (Kent) IDB. These sections of river fall within the IDB's Internal Drainage District. This IDB is willing to take on responsibility for these sections of river and they have the appropriate skills and governance arrangements in place to do so. This is in line with the requirements set out in the Statutory Main River Guidance (please refer to the Appendices).

De-maining these watercourses would allow for local decision-making in how these sections of watercourse are managed to 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.

The table below details the responsible party for specific roles on the watercourses, both currently and if the proposed de-mainment goes ahead (see column headed 'Future responsibility').

Table 1: Current and future roles and responsibilities

Role	Current responsibility	Future responsibility
Overall responsibility for the flood risk management of the watercourse	Environment Agency	The River Stour (Kent) IDB
Regulation – issuing permits for works on or near to the watercourse	To undertake any flood risk activities on any of the watercourses listed above, you must apply to the Environment Agency for a Flood Risk Activity Permit under the Environmental Permitting Regulations. The Environment Agency currently charges £170 for a single activity under a Flood Risk Activity Permit, with an additional £40 charge applied for each additional activity on the same application	To undertake any works or activities on or close to any of the watercourses listed above, you would need to apply for Land Drainage Consent from The River Stour (Kent) IDB. The cost of applications made under the Land Drainage Act 1991 (any in-channel works) incur a £50 fee. Applications made under the IDBs byelaws (works within 8m of a watercourse) do not have a fee charged.
Permissive power to maintain the watercourse	The Environment Agency has permissive powers to maintain the watercourse	The River Stour (Kent) IDB has the same permissive powers to maintain ordinary watercourses within its drainage district. If de-mained the watercourse would become an ordinary watercourse and be included in the IDB maintenance programme. The EA would no longer have these powers.

2. How we ran the consultation

2.1 What we did and when

In September and October 2017 we met and consulted with Kent County Council, Canterbury City Council, Ashford Borough Council, Dover District Council, Thanet District Council, the Parish Council Forum, the East Kent Catchment Improvement Partnership, the Ashford Water Group and Natural England. All these organisations expressed interest and gave their support to the aims of the project.

To engage with a wider audience and the general public we exhibited a project stand at the East Kent Ploughing Match on 27 September 2017 and then held pre-consultation public drop-in sessions on 4 October 2017 at Minster Village Hall, 19 October 2017 at Little Chart Village Hall and 25 October 2017 at Great Mongeham Village Hall. These were all hosted in partnership with the River Stour (Kent) Internal Drainage Board whose board members were on-hand to talk to the event attendees. See photos on page 10.

We used the feedback from the public drop-in sessions and meetings to help us finalise our consultation proposals. A formal consultation on the proposals was then published online using our online engagement tool Citizen Space between 15 January and 12 February 2018. Information on the questions asked and a summary of responses to these questions can be found in section 3 below.

2.2 Additional advertising

A Proposal of Designation Change notice was placed in the Legal Notices section of four newspapers in the Kent Messenger Media Group; the KM Extra, the Thanet KM Extra, the East Kent Mercury and the Kentish Gazette & Kentish Express. Examples of the notice can be seen on page 11.

As listed in the last paragraph of the Legal Notice, an A4 folder containing a complete set of river maps and associated documents was available for public viewing in the reception area of the Canterbury City Council main offices at Military Road, CT1 1YW and also in the Environment Agency Canterbury office at Rivers House, CT2 0AA.

An Email containing a newsletter and two pdf advertising posters was sent to the following Parish Councils: Ash, Wye & Hinxhill, Wickhambreaux, Hoath, Monkton, Northbourne, Egerton, Pluckly, Little Chart, Herne & Broomfield, Shoulden, Mongeham and Minster. They were asked to help advertise and promote the consultation by uploading information onto their web pages and display the posters on their parish notice boards.

An Email containing a newsletter and two pdf advertising posters was sent to the following Kent County Council libraries: Deal, Ash, Minster, Herne Bay and Sandwich. They were asked to help advertise and promote the consultation by uploading information onto their web pages and display the posters on their public information notice boards.

An Email containing a newsletter and two pdf advertising poster was sent to over 150 recipients on the mailing lists of a variety of East Kent organisations including local councils, non-government organisations, local utility and infrastructure companies, estate agents, environmental charities, defra partner organisations and members of the East Kent

Catchment Improvement Group. They were asked to help advertise and promote the consultation by uploading information onto their web pages and display the posters on their notice boards.

Every rate payer and member of the River Stour (Kent) Internal Drainage Board (totalling over 350 individuals) was sent a newsletter through the mail advertising the consultation and requesting that they log onto the Citizen Space web page and give their opinions on the proposals.

Through our area communication team, Julie Foley (Area Manager for Kent, South London and East Sussex) sent personal Emails to the following members of parliament who have de-maining watercourses in their constituencies: the Rt Hon Damian Green MP, Rosie Duffield MP, Charlie Elphicke MP and Craig Mackinlay MP.



Minster Village Hall drop-in session



Little Chart Village Hall drop-in session.

Example of the Proposal for Designation Change Notice.

This one was advertised in the Kent Messenger Extra which covers the Canterbury and Whitstable areas of the north Kent coast.

01227 768181

NOTICES

Public Notices

ENVIRONMENT AGENCY

Proposed determination of Environment Agency – changes to main river map in the East Kent Stour Marshes area.

The Environment Agency proposes to reduce the length of ten watercourses in East Kent that are currently designated as a 'main river'.

This change represents a 'determination' under section 193C(1) of the Water Resources Act 1991. A determination is a formal decision to change the main river map.

The proposed determinations are that the:

- **Lampen Stream** (MRV_100042) between national grid reference (NGR) TR 21665 60199 and NGR TR 22266 61117
- **Minster Stream** (MRV_100033, MRV_100034, MRV_100035) between national grid reference (NGR) TR 27839 63845 and NGR TR 33526 62187
- **Richborough Stream** (MRV_100031, MRV_100032) between national grid reference (NGR) TR 27037 63248 and NGR TR 32587 60192
- **Great Stour** (MRV_100029) between national grid reference (NGR) TQ 91205 49148 and NGR TQ 94386 45936
- **Gosshall Stream** (MRV_100038) Western Arm between national grid reference (NGR) TR 30282 59377 and NGR TR31020 59740 and the Gosshall Stream Eastern Arm between national grid reference (NGR) TR 31295 60528 and NGR TR 31284 59664
- **Shelvingford Arm** (MRV_100028) between national grid reference (NGR) TR 21284 65315 and NGR TR 22041 65543
- **General Valley Feed** (MRV_100030) between national grid reference (NGR) TR 24915 63238 and NGR TR 25009 62953
- **North and South Stream and Broad Dyke** (MRV_100036, MRV_100037) North Stream between national grid reference (NGR) TR 34543 52752 and NGR TR 34012 54227, the South Stream between national grid reference (NGR) 35088 52076 and NGR TR 34187 54125 and the Broad Dyke between national grid reference (NGR) TR 34079 52450 and NGR TR 34572 52718
- **Sparrows Bridge** (MRV_100039) between national grid reference (NGR) TR 05166 47771 and NGR TR 05292 48066
- **Hogwell Sewer** (MRV_100027) between national grid reference (NGR) 22119 68226 and NGR TR 22946 68646,

which are currently designated as main river, should be re-designated as ordinary watercourses.

The change would mean that the River Stour (Kent) Internal Drainage Board would have powers to carry out work to manage flood risk for the re-designated sections of the watercourses. The Environment Agency would no longer have any permissive powers to carry out works on these sections of the watercourses.

The change would also affect how the watercourse is regulated. If you wanted to carry out works in or next to the watercourse, you might have to get consent from Mr P N Dowling, Clerk & Engineer of the River Stour (Kent) Internal Drainage Board via pete.dowling@riverstourids.org.uk

Where can I find out more information and comment on the proposed changes?

You can view and comment on the proposals from midday 15 January via our online consultation at <https://www.gov.uk/government/consultations/rationalising-the-main-river-network-de-maining-proposals>.

If you have any comments or queries about this proposal you can also email alex.bateman@environment-agency.gov.uk or write to:

Alex Bateman, RMRN Pilot Area Lead, Orchard House, Endeavour Park, Addington, West Malling Kent ME19 5SH

Please quote Stour Marshes de-maining pilot proposals when you contact the Environment Agency. You need to submit your response to the online consultation or send your comments to the Environment Agency by 12 February 2018.

Maps of the proposed changes can also be viewed at our Environment Agency office: Rivers House, Sturry Road, Canterbury, Kent CT2 0AA and at Canterbury City Council office: Military Road, Canterbury, Kent CT1 1YW.

EILEEN ALICE MAY CORKE
(Deceased)

Sell your unwanted

3. Summary of consultation feedback

A total of three responses were received.

Two were submitted online through the Citizen Space portal and answered the formal consultation questions. These can be viewed in full at <https://consult.environment-agency.gov.uk>.

A third was received as a word.doc attachment to an Email sent to Alex Bateman, the Stour Marshes Pilot Area Lead. This contained more general observations and while not in the approved format, provided valuable feedback on the de-maining proposals specific to the North and South Streams near Sandwich.

The word diagram below illustrates some of the key themes that were raised during the consultation.



A breakdown of responses by respondent type is shown below.

Table 2: Breakdown of consultation responses by type of respondent

Respondent type	Number of responses	%
Member of the public	1	33.3
Internal drainage boards		
Drainage associations		
Local authorities		
District Councils	1	33.3
Parish Councils		
Elected representatives, including MPs		
Landowners and tenants		
Farming associations		

Environmental bodies	1	33.3
Regional flood and coastal committees		
Water companies		
Recreational and commercial river users		
Community groups		
Flood action groups		
Other		

The following pages summarise the responses received for each consultation question and the general themes emerging from the consultation.

The first comment in each of the 'You Said' boxes is from a member of the public who was responding on behalf of an organisation or group.

The second comment is from a representative of Dover District Council and these can be taken as the views of the District Council.

The third response was received from a member of the public as an Email attachment and so was not submitted through the Citizen Space format. Where relevant subject matter can be taken from this submission to fit a Citizen Space question, the comments refer not just to the North and South Streams and Broad Dyke stretches of watercourse proposed for de-maining, but to the entire Delf Stream. This is an off-line moderated response and published in a separate document.

3.1 Question: Overall, do you support the de-maining proposals?

Responses to this question supported the notion of de-maining the watercourses to strengthen local decision making and to defer their management and control to the IDB.

"Local people are more likely to have the sort of detailed understanding of the hydrological, riparian and environmental issues"

There were no responders who said that they didn't support the proposals. However, the essence of the third responders' comments (there is no quote below directly applicable to this question) highlights a number of management and financial concerns and the overall theme of this submissions, while not an absolute 'no', is sceptical of success.

You said...	Our response...
<p>I believe that local people are more likely to have the sort of detailed understanding of the hydrological, riparian and environmental issues that is necessary for proper stream management than the EA.</p>	<p>We agree. The Environment Agency may not be the best organisation to undertake management and maintenance in the way that is asked for by local communities. The River Stour (Kent) IDB have extensive experience in watercourse and riparian management and if de-maining proceeds, will continue to maintain the river in a sensitive way in order to meet their environmental responsibilities.</p>
<p>Dover District Council are aware that the Internal Drainage Board are looking to manage the EA de-mained rivers in the Dover District. DDC recognise that the IDB will need to do this without increasing budgets, but will have the opportunity to utilise the EA precept costs.</p>	<p>This is correct; the IDB intends to adopt these rivers in order to continue maintenance and work within existing annual budgets (no increase to rates and levies as a result of these transfers).</p>

3.2 Question: If de-maining goes ahead the Environment Agency will no longer be responsible for these watercourses. This responsibility will pass to the risk management authorities as set out in this consultation. How satisfied would you be about this?

Two responses to this question showed support for the idea that the responsibility for these watercourses can pass from the Environment Agency to a different risk management authority.

"Local IDB people...would be better equipped to plan and carry out the necessary work"

Dover District Council demonstrated an understanding that if the River Stour (Kent) IDB do adopt them, they will have to review their own maintenance programme.

"It's understood the IDB can manage if the EA de-main the mentioned rivers"

The third response objected on the grounds that fragmenting the river system would inevitably lead to dividing the management responsibilities. It suggested that "the whole system should be transferred to the IDB", and that as the decision to de-main seems to be financially driven, future funding restrictions may impact on management activities and success.

You said...	Our response...
<p>Local IDB people, if appropriately-funded, have a better understanding of the multi-faceted issues arising from river management in their areas and would be better equipped to plan and carry out the necessary work</p>	<p>We agree, and this project is designed to pass them the responsibility for future watercourse management.</p>
<p>It's understood the IDB can manage if the EA de-main the mentioned rivers. However, the IDB will need to follow a similar process and cut back on their own maintenance to other lower priority water courses.</p>	<p>This is correct; the IDB considers the rivers proposed for transfer to be of local importance (even though they are considered to be low-risk in terms of national criteria) and it will need to adjust its wider maintenance programme (reducing some lower priority watercourses to bi-annual maintenance).</p>
<p>The current proposals to transfer only the North and South Stream above the inverted siphon (Moles Hole) and Broad Dyke to the IDB will be to fragment responsibilities even further. The whole system should be transferred to the IDB. It is fully recognised that there are financial issues involved, both for the EA and IDB and the IDB only want to take over a limited stretches in steps. However, financial problems are not going to improve in future years. Surely</p>	<p>The rivers proposed for de-maining and transfer, referred to in this comment, are the small uppermost reaches of the North and South Streams. The Environment Agency and the IDB already manage and maintain a number of rivers on this system and will continue to liaise and coordinate their activities to ensure joined up management.</p>

it is better for the EA, who want to be relieved of the responsibility, and the IDB to address the issues once and for all rather than have them continuing to occur over a protracted period of time.	

3.3 Question: If de-maining goes ahead the Environment Agency will no longer be responsible for regulating flood risk for these watercourses. This responsibility will pass to the risk management authorities as set out in this consultation. How satisfied would you be about this?

Responses to this question were generally in favour of the responsibility for regulating flood risk on these watercourses passing to the River Stour (Kent) IDB.

"Satisfied with the overall approach of encouraging local responsibility for the river management"

However, the suggestion was made that by having two risk management authorities each responsible for different sections of the same watercourse, an opportunity for whole catchment management has been lost.

Dover District Council are fully aware that these are watercourses of low consequence with low population densities living nearby.

"The rivers in the district hold very little flood risk"

There were no responders who said that they didn't support the proposal.

You said...	Our response...
<p>Satisfied with the overall approach of encouraging local responsibility for the river management. However, I strongly believe in the importance of a 'whole catchment' approach to river management - this is the only logical approach to what is a wholly integrated system. To split off the upper reaches of the North and South Streams and allow them to be managed by the EA seems irrational and unworkable and a lost opportunity to set up a whole-river approach.</p>	<p>Whole catchment management does not always represent the most efficient use of funds and resources. The Environment Agency prioritises maintenance based on flood risk to people and property, watercourse management must be focussed at locations with high flood risk or where the consequences of flooding are most significant. The upper reaches of the North and South Streams have a low flood risk and are in the operational area of the River Stour (Kent) IDB, an established partner organisation willing to assume management responsibility for these watercourses.</p>
<p>It's been explained that the rivers in the District hold very little flood risk - providing the IDB can carry some maintenance on a bi-annual basis.</p>	<p>The Environment Agency will no longer undertake responsive patrolling on these watercourses or manage the watercourse to reduce flood risk to people and property. The River Stour (Kent) IDB will take on the powers to manage the watercourses to reduce flood risk and maintenance operations will be carried out based on evidence from assessment.</p>

3.4 Question: If de-maining goes ahead how satisfied are you with the proposed maintenance works?

There was insufficient detail given by the first two responders to draw anything other than very general assumptions of support about this question.

The third responder cites a history of inappropriate or insufficient maintenance as resulting in the current poor state of the watercourse.

"The watercourse has been poorly maintained, particularly since the Environment Agency took over responsibility"

While this is not a clear objection to a change of management authority, it can be seen as evident dissatisfaction with the current maintenance works. The suggestion is made that the entire Delf stream would be better managed by just one organisation.

You said...	Our response...
<p>Local knowledge of environmental issues, special species that need protection etc.</p>	<p>Both the EA and IDB are committed to protecting and enhancing the natural environment and will continue to work together and with others to achieve this aim.</p>
<p>As per my previous comments.</p>	<p>See response comments given to questions 3.3</p>
<p>The watercourses have been poorly maintained, particularly since the Environment Agency took over responsibility</p> <p>Over the past 750 years since its inception, many of the problems of the Delf, namely the condition of the banks, restricted flow, weed growth, siltation, eutrophication and algal problems have been due not to physical issues but to issues related to who was responsible for its management and maintenance (eg dispute between the EA and Sandwich Council as to who is responsible for the Delf in Sandwich). The De-maining process is a once in a lifetime opportunity to address and resolve these issues.</p>	<p>We acknowledge your comments and concerns about the management of the Delf Stream. Past maintenance works carried out have included targeted in-channel vegetation cutting, bankside scrub and tree cutting, removal of urban debris and a five year de-silting programme along the entire stretch of watercourse. Future management decisions will be based on the results of evidence from watercourse surveys and assessments.</p>

3.5 Question: If de-maining goes ahead how satisfied are you with how money will be raised to pay for maintenance?

The first response to this question raised concerns as to whether the River Stour (Kent) IDB would have sufficient financial resilience to take on the new watercourses and continue their existing maintenance programme without there being a detrimental effect somewhere else in their business plan.

"Just not sure how the proposal will work...presumably there will be detrimental effects somewhere?"

Dover District Council also mentioned finance constraints. Despite this, neither responder raised serious doubts.

You said...	Our response...
<p>Just not sure how the proposal will work, if no new money is available. If it is just a case of transferring money from one part of the existing IDB budget to another, then presumably there will be detrimental effects somewhere?</p>	<p>The River Stour (Kent) IDB is funded by Special Levies on District Council, based on the amount of non-agricultural land in its district, and Drainage Rates on agricultural landowners.</p> <p>The on-going maintenance of these watercourses will be achieved by savings from reduced maintenance on other local, lower priority IDB maintained watercourses and will therefore not result in an increase to rates and levies.</p> <p>The IDB does not however intend to completely decommission these lower priority watercourses, just reduce their frequency of maintenance.</p>
<p>It would seem the finance restraints are being passed onto the IDB. However the IDB will be able to claim some EA precept cost back to help future maintenance.</p>	<p>The EA and IDB consider this process to be a review of the local river network, to ensure that rivers are managed by those most appropriate. As some of the rivers to be de-commissioned are already supported by EA Precept (paid by the IDB) some adjustments have been agreed to the on-going maintenance.</p>

3.6 Question: If de-maining doesn't go ahead how satisfied are you with what is proposed in relation to future maintenance?

Responses to this question were evenly split in support of, and objection to, the proposal.

The first responder, aware that the watercourse of concern (the North and South Streams) has a low flood risk does not see an issue arising from reduced future maintenance.

"I don't see the reduction of maintenance is likely to be an issue in this particular case"

The second raised concern that a reduction in maintenance could increase the flood risk in connecting watercourses which should be taken as some level of objection.

The third response is an observation about the role of Sandwich Town Council in ascertaining current watercourse condition and therefore maintenance requirements; although the sections of watercourse proposed for de-maining ends well short of the Sandwich town area referred to in the comment.

You said...	Our response...
<p>Because the section of the North and South Streams under discussion are of such apparently low flood risk, and are very unlikely to impinge on any housing areas. I don't see the reduction of maintenance is likely to be an issue in this particular case.</p>	<p>The sections of North and South Stream and Broad Dyke proposed for de-maining are watercourses of 'low consequence'. However, the River Stour (Kent) IDB will continue to conduct periodic maintenance operations based on evidence from watercourse inspections, to ensure flood risk is maintained at an acceptable level.</p>
<p>The rivers could suffer as a consequence and have a knock on effect to connecting watercourses and increase flood risk.</p>	<p>The Environment Agency has a strategic overview role for all riparian flood risk. The Environment Agency and River Stour (Kent) IDB will continue to work in partnership to implement a programme of planned watercourse maintenance for flood risk management across the Stour Marshes area.</p>
<p>Sandwich Town Council (STC) are currently undertaking a photographic survey of the underground system of the Delf through Sandwich to review the degree of siltation. I believe this is a step towards the STC accepting responsibility for the Delf through Sandwich, something which both the EA and IDB are reluctant to do.</p>	<p>These comments refer to a section of watercourse that is outside the geographic area and scope of this project.</p>

3.7 Question: If de-maining goes ahead how satisfied are you with changes to who undertakes maintenance work on assets?

There are twelve assets in the Stour Marshes area proposed for handover to the River Stour (Kent) IDB.

The first response is incorrect in saying there are no assets involved. The second responder hopes that the IDB will continue to maintain them, and the third proposes that the Hacklinge Pumping Station should remain in EA ownership but be operated by the IDB.

You said...	Our response...
No assets involved, apparently.	There are twelve assets on the watercourses proposed for de-maining, all of which will require routine inspection and maintenance work to ensure they are operational and fit for purpose.
I can't really comment other than I hope they're maintained when taken over by the IDB.	The responsibility for asset maintenance will pass to the River Stour (Kent) IDB, which is willing to take on these assets to ensure that water levels can continue to be managed appropriately. The IDB will ensure its own standard maintenance operations and with appropriate risk assessment.
Hacklinge Pumping Station, which is not planned to be handed over to the IDB, could continue in EA ownership with its operation, as happens now, being managed by the IDB.	There is no provision within the scope of the current project to divide the ownership and management of assets. It is not a planned project outcome.

3.8 Question: If de-maining goes ahead how satisfied are you with changes to who is responsible for managing and considering the environment in the areas affected by the de-maining proposals?

Whilst not making a definite statement about the suitability of the IDB to assume environmental management responsibilities, the first responder comments that local knowledge and environmental expertise are important trait of the new organisation.

You said...	Our response...
<p>Local knowledge of, and expertise in, environmental issues are of real importance.</p>	<p>The River Stour (Kent) IDB will continue to maintain the river in a sensitive way in order to meet their environmental responsibilities. They will be responsible to ensure that there is no deterioration to current environmental status. Natural England will remain the statutory authority for the management of any designated sites of environmental importance.</p>
<p>Dover District Council acknowledges that its powers may increase as a consequence and may have to provide support where necessary.</p>	<p>The proposed transfer of responsibilities from the EA to the IDB should not directly affect the powers of Dover District Council.</p>

3.9 Question: Having read the information in this consultation, have you changed your views on the de-maining proposals?

There was just one response to this question and the text is a reaffirmation of the respondents answer to question 3.1 concerning support for localism in management decision making.

Despite the absence of a definitive 'yes' or 'no', I think the answer to this question can be taken as no change of view.

Dover District Council did not leave a comment.

You said...	Our response...
Still convinced of the importance of local knowledge and expertise, subject to funding being available to take on work previously conducted by the EA.	See response to question 3.1
No comment.	No response.

3.10 Question: Overall, do you support the de-maining proposals?

Both responders to this question supported the de-maining proposals, the second giving a definite 'yes'.

You said...	Our response...
As described above several times.	Thank you for supporting this project.
Yes, otherwise the rivers won't be maintained enough having adverse effects on other IDB maintained watercourses.	Thank you for supporting this project.

3.11 Question: Please tell us if you have any further comments or information that you would like to share with us regarding the Stour Marshes de-maining proposals.

Neither respondent left a comment in response to this question

You said...	Our response...
No comment	No response.
No comment	No response.

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

Dover District Council
The River Stour (Kent) Internal Drainage Board

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 all the local authorities who agreed to meet with us in the pre-consultation phase, everyone who attended the village hall drop-in sessions and those people who logged their opinions on Citizen Space. Their contributions and support were central in developing our consultation proposals.

We would also like to thank the Kent Messenger Media Group and Minster Parish Council for helping us to advertise and promote this consultation.

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 Stour Marshes de-maining pilot proposals.

7. Glossary

Word/phrase	Definition/explanation
Asset	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.
Asset decommissioning	Planned shut-down or removal of an asset from operation or usage.
Asset maintenance work	Works to maintain the performance and reliability of an asset.
Byelaws	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.
Competent authority	An authority or authorities identified under a relevant piece of legislation who has the legally delegated power to perform the designated function.
De-maining	Re-designation of a watercourse from main river to ordinary watercourse.
Designated sites	<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</p>

	designated under National Parks and Access to the Countryside Act 1949.
District Councils	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.
Environmental Non-Governmental Organisations (ENGOS)	A non-governmental organization (NGO) in the field of environmentalism. Examples of ENGOS include the Wildlife Trusts, RSPB, WWT and Blueprint for Water.
Environmental Permitting Regulations	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.
FCERM grant in aid	Government grants from the Department for Environment, Food and Rural Affairs (Defra) for flood and coastal erosion risk management.
Flood risk	Flood risk is expressed by combining information on probability (sometimes referred to as likelihood) and consequence (sometimes referred to as impact).
Flood Risk Activity Permit	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
Flood and Water Management Act 2010	The legislation by which risk management authorities operate when exercising their powers.
Flood risk management activities	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.
Governance	The way that organisations or countries are managed at the highest level, and the systems for doing this.
General drainage charge	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
Hydromorphological harm	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.

Internal Drainage Boards	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.
IDB precept	Payments from IDBs to the Environment Agency to reflect water moving from internal drainage districts into main rivers.
Internal Drainage District	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.
Land Drainage Act	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.
Lead Local Flood Authority	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.
Local authorities	This term has been used in this consultation to reflect : County councils and unitary authorities District, borough or city councils
Local levy	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.
Maintenance programme	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.
Main river	Main river means all watercourses shown as such on the statutory main river maps held by the Environment Agency and published on GOV.UK.
Ordinary watercourse	A watercourse that does not form part of a main river.
Ordinary watercourse consents	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.
Permissive powers	Powers which confer on an organisation the right to do things but not the duty to do them.

Regional flood and coastal committees	<p>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:</p> <ul style="list-style-type: none"> to ensure there are coherent plans for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines 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 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.
Riparian landowners	<p>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.</p>
Risk Management Authority	<p>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.</p>
Statutory main river map	<p>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 river or watercourse is treated as a 'main river'.</p>
Statutory duties	<p>The duties and functions that an organisation must undertake by law.</p>
Watercourse	<p>Includes all streams, rivers, ditches, drains, cuts, dykes, sluices, sewers (other than public sewers) and passages through which water flows.</p>
Water Framework Directive	<p>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.</p>

WFD objectives	<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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