



Representing Drainage Water Level & Flood Risk Management Authorities

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Consultation:	Protected sites for nature in England and Northern Ireland - Call for Evidence		
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Protected sites for nature in England and Northern Ireland Call for Evidence

Response by ADA (Association of Drainage Authorities)

About ADA

ADA is the membership organisation for drainage, water level and flood risk management authorities throughout the UK. ADA represents over 200 member organisations, including: internal drainage boards, regional flood & coastal committees, local authorities, and national agencies; as well our associate members who are contractors, consultants, and suppliers to the industry.

Our purpose is to champion and campaign for the sustainable delivery of water level management, offering guidance, advice and support to our members across the UK, and informing the public about our members' essential work.

ADA's response to the Office for Environmental Protection's call for evidence regarding protected sites for nature in England and Northern Ireland has been compiled following discussion and engagement with members, predominantly feedback received through ADA's Environment Forum from the environment officers of internal drainage boards.

Internal Drainage Boards

Many parts of the UK are reliant on careful water level management to prevent damaging flooding to people, property and the environment or water logging of soils which can increase subsidence to properties, infrastructure and reduce agricultural productivity. Lowland areas, such as the Fens and Somerset Levels; are dependent on thousands of kilometres of watercourses, from large embanked rivers, that may be perched several metres above the surround lowland, to smaller drainage ditches that are critical to conveying water through the landscape.

Each internal drainage board (IDB) is a public body that manage water levels in a lowland area, known as a drainage district, where there is a special need for drainage. Today, there are 112 IDBs in England whose drainage districts cover 1.2 million hectares (9.7% England's landmass). These occur in areas such as: The Fens, Somerset Levels and Moors, Broads, and Humberhead Levels.

ADA – representing drainage, water level and flood risk management authorities

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IDBs undertake works to reduce flood risk to people and property, and manage water levels for agricultural and environmental needs within their district through the routine management of watercourses and flood defence assets. Their work plays a key role in reducing flood risk to over 600,000 people and nearly 900,000 properties. They operate and maintain over 500 pumping stations, 22,000 km of watercourse, 175 automatic weed screen cleaners and numerous sluices and weirs.

Internal Drainage Boards are uniquely equipped to make a vital contribution to the conservation of wetland wildlife. Collectively, IDBs are one of the biggest managers of freshwaters and wetlands in the country and thus have a significant role in maintaining and enhancing biodiversity. The thousands of kilometres of IDB ditches and drainage channels are biodiversity-rich networks comparable in conservation importance with England's hedgerows. Water level management by IDBs supports distinctive wetland habitats and, more widely, characteristic landscapes such as the Norfolk Broads and Somerset Levels. Hundreds of wetland plant and animal species that are targeted as priority species can be found in drainage districts.

IDBs have a specific legislative duty to further the conservation and enhancement of protected environmental sites within their districts. And drainage districts host scores of protected sites and local nature reserves, including around 400 SSSIs, covering around 55,000ha. Of these, 30,000 are supported by 119 water level management plans (WLMPs) operated or partnered by IDBs.

Call for evidence response

ADA has grouped the points that members wished to raise into a series of topical subheadings relating to the laws and their implementation for the designation and management of SSSIs and other protected sites on land and freshwater in England. Where appropriate ADA has linked these topics to the general questions raised in the call for evidence issued by the Office for Environmental Protection.

Q9. *The process for keeping the network of designated sites under review to ensure it is achieving its objectives and keeping pace with environmental change.*

Climate resilience and adaptation

Internal drainage board environment officers were acutely aware of the challenges of sustaining the conservation value of protected sites within a changing world. This is perhaps no more acutely felt than when it comes to lowland water level management. IDB officers agreed that there was a need to investigate what resilience and adaptation should look like for SSSIs, particularly those in need of careful ongoing water level management, such as within the Somerset Levels & Moors and The Broads. There was a consensus that this should not be solely about conserving those species and habitats that were there 30 years ago, but recognising climatic changes to ensure these sites could transition and still provide valuable diverse and rare natural habitats.

The greater momentum to consider the impact of climate change across the flood risk management sector is reflected in the National Flood and Coastal Erosion Risk Management Strategy for England (2020) prepared by the Environment Agency, which recognises the



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importance of partnerships to achieve climate resilience via integrated water level management that considers flood resilience, drought, and water quality. So, in today's policy climate, do WLMPs go far enough, or is it time for a rethink?

Recently, North Kent Marshes IDB worked with consultants to undertake a review of their WLMP published in 1999. They considered how the IDB could harness local partnerships to strive for climate resilience, and work with risk management authorities, stakeholders, and landowners to adapt the local approach to manage water whilst responding to social-environmental and economic needs and challenges which had shifted since the 1999 report.

The review prompted the creation of the Hoo Water Level Management Partnership set up in December 2021. The core project partners of the group include the North Kent Marshes IDB and RSPB, who are currently working together to develop a project that will identify the water needs across the marshes now and in the future. This will include an estimated water budget, and investigating options for water storage. Whilst still at an inception stage, it is intended that the wider partnership consisting of local authorities, the Environment Agency, Natural England, and landowner representatives can steer the project to consider the approaches needed to future proof the marshes. With supporting guidance, policy and funding existing WLMPs could serve as a useful springboard for this approach being taken more widely, which will sow the seeds for future adaptation, in a way that integrates the whole water cycle within and surrounding lowland SSSIs.

Q12. *Do owners and occupiers of protected sites receive what they need to be able to appropriately manage these sites? Do others such as public authorities receive what they need to deliver their responsibilities to conserve and restore protected sites? For example, this might include information, guidance, advice, support and financial assistance.*

Ensure funding for management that underpins site conditions

Some IDB environment officers reported Site Improvement Plans working well, but were in need of clear funding streams to be made available to action owners in order progress and sustain actions to improve site condition.

Critically, IDBs do not currently have access to any funding specifically to progress the favourable management of protected sites and species and have very limited means of raising funds to do so. This is despite having a whole raft of statutory duties to conserve and enhance biodiversity, see the Defra funded ADA Environmental Good Governance Guide for IDBs (2022). Farmers have stewardship at least to underpin their efforts in this regard, and as a minimum it would be good if the elements of future stewardship funding schemes, which specifically target SSSI management and improvement, were made available to IDBs where they play a role in maintaining channels and water level management infrastructure within and surrounding SSSIs.

Cost of advertising

Whilst we appreciate EIAs, HRAs, and SEAs are the subject of a future OEP consultation. Internal drainage board officers did highlight concerns about the financial resources being spent on advertising in relation to Environmental Impact Assessments, Habitat Regulatory Assessments,



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Strategic Environmental Assessments, which presented an increasingly costly burden for smaller public authorities. Internal drainage boards favoured changes to legislation that would enable statutory notices to be made on public websites, such as those belonging to IDBs and/or gov.uk.

Q13. *The laws that restrict how land is managed inside protected sites, including the consenting process for operations likely to damage ASSIs and SSSIs, special nature conservation orders and stop notices for SACs and SPAs in England and powers to make byelaws for the protection of ASSIs, SSSIs, SACs and SPAs.*

Proportionate approach to routine water level management activities

IDB officers highlighted a need to take a proportionate approach to routine and periodic management and maintenance activities that risk management authorities such as IDBs undertake to sustain watercourses and water levels within lowland protected sites should not be subject to Environmental Outcome Reports, where appropriate mitigations are undertaken. Such works might include coppicing/pollarding trees and removing overhanging/dangerous branches, bankside and in channel vegetation management, and de-silting within established practices for the channel, allowing for the deposition of arisings within 9 meters of the top bank of an existing ordinary watercourse.

Given that S28G authorities may cease to undertake an activity that has been supporting the condition of a SSSI over several years. There is a concern that some IDBs may be forced to withdraw from routine water level management activities that are critical to sustaining and improving the condition of lowland protected sites where the regulatory requirements are overly complex, onerous, bureaucratic, time consuming, and costly. IDB officers have highlighted examples where delays in issuing decisions related to protected sites by Natural England have postponed or cancelled work at significant expense. This is particularly critical in relation to water level management works, where the window for undertaking the work may be very narrow owing to ground and water conditions and various restrictions relating to breed periods for birds and other species.

Q17. *Monitoring of protected sites and the communication and reporting of the results of monitoring.*

Gathering condition data

Environment officers within IDBs highlighted a need for greater focus on the practical gathering of data regarding condition and management of protected sites, ground truthing what is there. There was concern that Natural England lacks the resources and has an increasing reliance on remote monitoring owing to a lack of sufficient funding and support for this work. In particular, IDB officers wonder whether elements of condition assessment, especially where these related to water level management could be undertaken in partnership with the local internal drainage board, who have experience in working in close cooperation with the Environment Agency, through Public Sector Cooperation Agreements, to deliver maintenance works for main river and



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coastal flood defence systems. This could provide a more efficient system for gathering condition data.

Lack of data sharing

Internal drainage board officers reported a need for a better and more consistent system for sharing information related to the management of protected sites between all parties involved in their management. In one case an internal drainage board is undertaking a completely new survey of a freshwater protected site that is facing saline intrusion risks because existing data gathered by other statutory authorities had not been shared with it.

There were also concerns raised regarding the timely publication of public availability of data in relation to the condition of protected sites.

Binary condition assessments

Internal drainage board officers highlighted a need for more nuanced condition assessments. Many protected sites dependent on careful water level management activities involving internal drainage boards are gradually improving, but effectively stuck in reporting terms in an Unfavourable Recovering condition. Given that these sites can remain in this reporting condition for many years as nutrient levels and habitats transition there is a need to better describe the journey from Unfavourable to Favourable condition within assessments. Internal drainage boards that have invested a great deal of time and resources into making water level management improvements to protected sites need to be able to provide a narrative to their board members and rate payers and special levy paying councils that continued investment is justified. Similarly, it is important when trying to attract funding support from other partners.

One suggestion was to break elements of the condition down into threats, pressures, and measures to improve sites and give an assessment of how these are progressing.

Q18. *The identification, allocation, coordination and delivery of actions to improve protected site condition. This includes actions (or remedies) for ASSIs and SSSIs and actions included in Site Improvement Plans for SACs and SPAs in England and Conservation Management Plans for SACs in Northern Ireland.*

Strengthen role of management plans

A lack of legislative provisions or government policy for a regular condition review or management plan update related to protected sites means that water level management plans are not being reviewed or updated frequently.

Widely recognised for their role providing a strategic approach to integrating agricultural, flood risk, and conservation activities across SSSIs where water levels are critical to their condition, each WLMP includes a written statement of the objectives of the site and how they are to be achieved, including the roles and responsibilities of all key stakeholders. Activities are defined to ensure that the water levels and channels are managed in such a way that they contribute to the favourable



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condition status of the SSSI. Consequently, many drainage districts are covered by at least one WLMP.

Whilst, there is a general duty on IDBs, as an operating authorities, to take appropriate steps to avoid deterioration of European sites and consider this when reviewing WLMPs or maintaining their existing operations to ensure that these actions are compliant with legislation, clearer expectations and guidance around the continued role of water level management plans is needed as little support or guidance has been developed since the mid-2000s and a refresh is overdue.

Regular reviews of management plans should be specified within a clear framework, much as IDBs are expected to regularly review their biodiversity action plan within a specified period of time. These should either be conducted by Natural England or “contracted out” to a “competent authority”, in a similar way to how the Environment Agency use Public Sector Cooperation Agreements (PSCAs) to deliver routine maintenance activities utilising the skills and staff of IDBs. The communication of these reviews, i.e. the communication & consultation process and identification of stakeholders should also be explicit and made public.