

ENVIRONMENT AGENCY EAST ANGLIA AREA		Item No: 11	Report No: CRFCC17/25
Meeting:	ANGLIAN (CENTRAL) REGIONAL FLOOD AND COASTAL COMMITTEE (RFCC)	Subject:	RIVER THET DE-MAINMENT PROJECT
Date:	19 January 2017	Officer Responsible:	Liz Taylor Flood Risk Advisor

RECOMMENDATION

The RFCC Committee are asked to:

- A. Note the approach being taken and progress made by phase 1 of the project.
- B. Give their support to the commencement of formal consultation for phase 1.
- C. Highlight any issues of concern addressed as part of consultation material.

1. Introduction

- 1.1 We are working with East Harling Internal Drainage Board (IDB) to look at the option of de-maining the River Thet from the A11 south of Attleborough, to the A1066 Melford Road Bridge in Thetford. This process would need to take place in two phases, with the de-maintenance, and subsequent adoption of the section within the IDB's Board Area happening initially (phase 1). The de-maintenance and adoption of the watercourse downstream of East Harling weir would only be able to take place following an extension of the Board's boundary (phase 2). Appendix A has a map showing the two phases for de-maintenance.
- 1.2 Phase 1 of the project is planned to be completed by spring 2018. Phase 2 of the project will take longer, with an ambitious target being spring 2019, but with scope to change, based on a number of factors. The details of phase 2 will be presented to the Committee in future meetings, as and when the process moves forward.

2. Background

- 2.1 The Environment Agency are reviewing the Main River network to identify watercourses that may be better re-classified as ordinary watercourses – which we term de-maintenance. This will allow greater empowerment of local partners such as IDBs and Local Authorities (LAs) to regulate and carry out work on rivers. This will also help ensure that the right people are managing the right watercourses and assets in the right places.
- 2.2 The Environment Agency has identified initial 'front-runner' locations, across the country, where de-maintenance may be a suitable option and there are IDBs or LAs willing to take on the watercourse.
- 2.3 The River Thet was identified locally as fitting in to this category and is now part of the national 'front-runner' programme. East Harling IDB have been interested in the adoption of the River Thet for a number of years. There are 38 properties at risk of flooding along the 28.1 km stretch of the river and there are no Environment Agency flood risk assets associated with the watercourse.

3. Engagement to date

- 3.1 Our internal consultation process took place in July 2016. Environment Agency staff were consulted on their views of the proposals and there were no major objections to the project.
- 3.2 We met with East Harling IDB in August 2016. Following these initial meetings we have been working with the Floods and Water Team at Norfolk County Council and our local Natural England Office to discuss the proposals. We have also started our discussions with Breckland Council on these proposals.
- 3.3 A presentation was given to the EA & IDB Strategic Group on 13 October 2016. The Group voted to support the project moving forward.
- 3.4 We held two local community drop in sessions at the end of November 2016, which gave people the opportunity to find out more about the project. Members of the public as well as key local interest groups were invited to attend. The events were attended by 18 people. There were no major objections to the project raised.
- 3.5 Our next steps will include starting work with the Norfolk County Council members working group, to prepare for the Environment, Development and Transport Committee at the end of January 2017. We require formal written approval from the Lead Local Flood Authority (LLFA) before moving forward with formal consultation. We will also meet with Breckland Council to discuss the proposals. We do not need Breckland Councils written approval to move forward with consultation, although we would expect to have their support in principle before moving forward.
- 3.6 Formal public consultation is planned for spring 2017. This officially needs to be 4 weeks long, but Breckland Council has requested that we extend this to 6 weeks. This would need to take place before pre-election period, so likely to need to have commenced by mid-February 2017. If this date is not met, formal consultation will take place in June 2017.

4. Details of watercourse and structures (see Appendix A for map for details)

Watercourse	Location	Grid reference from	Grid reference to	Length of river
River Thet within IDB boundary	A11 south of Attleborough to fixed weir in East Harling	TM0246292822	TL9878586593	11.6km
River Thet currently outside IDB boundary	Fixed weir in East Harling to A1066 in Thetford	TL9878586593	TL8800383030	16.5km

Structure	Location	Grid reference	Structure type	Owner
Redbridge gauging station Site ID: 033046	Redbridge	TL9962092295	Hydrometric gauging station	Environment Agency Hydrometry and telemetry
Bridgham gauging station	Bridgham	TL9568285484	Hydrometric gauging station	Environment Agency Hydrometry and telemetry
East Harling weir	East Harling	TL9889886749	Fixed weir	Riparian
Brettenham weir	Brettenham	TL9328983241	Fixed weir	Riparian

5. Operational details of proposed de-mainment for Phase 1

- 5.1 We would de-main the length of the River Thet from A11 south of Attleborough to the extent of the East Harling Internal Drainage District (IDD) at East Harling Weir. East Harling IDB would then adopt this stretch of watercourse. (Please see Appendix A).
- 5.2 The Redbridge Hydrometric Gauging Station will remain an Environment Agency asset and will be maintained by the Environment Agency as it is an important Hydrometry and telemetry asset. The IDB will not be required to undertake any maintenance on this structure. Our Operations teams currently carry out weed-cutting around the structure on a bi-monthly basis, and the proposal does not change this. We would still require access to this asset to carry out maintenance (and collect data). We have an agreement in place with the landowners to allow access at the Redbridge Gauge.
- 5.3 East Harling Weir would remain a third party asset and the IDB would not be required to undertake any maintenance on this structure.

6. Current operational and maintenance activities

- 6.1 The River Thet is of a rural nature and is within a 'low consequence' asset management system. A minimal amount of maintenance is currently undertaken.

7. Finances

Current financial situation

- 7.1 The Environment Agency paid East Harling IDB £15,976 in Highland Water Contributions in 2015/16.
- 7.2 East Harling IDB paid the Environment Agency £5,062 in Precept in 2015/16.
- 7.3 The Environment Agency paid East Harling IDB £5,000 as part of a Public Sector Co-operation Agreement to carry out maintenance work on its behalf in 2015/16.
- 7.4 A similar level is anticipated for 2016/17.

As part of phase 1 (adoption of upstream section within the IDD)

- 7.5 The Environment Agency would continue to evaluate and pay claims from East Harling Internal Drainage Board Highland Water Contributions, based on evidence of money spent. This claim could be higher in the future.
- 7.6 Through the local choices process the IDB would continue to pay precept to the Environment Agency. This could be used, for example, to carry out work on Coffee Mills Sluice in Thetford and high consequence sections of watercourse downstream of the sluice to allow water to discharge effectively out of the IDD.
- 7.7 The Environment Agency would no longer pay East Harling IDB money as part of the Public Sector Cooperation Agreement (PSCA) for the de-maind section of the River Thet. The agreement could be adjusted to include delivery of other activities on Main River.
- 7.8 Landowners within the IDD would continue to pay Drainage Rates to the IDB in the same way they do now.
- 7.9 Special Levies would continue to be paid in the same way they are now.
- 7.10 Landowners outside of the IDD would continue to pay General Drainage Charge (GDC) in the same way they do now.

8 Maintenance and capital refurbishment work

- 8.1 Under the Land Drainage Act (Section 14), if the IDB adopt the River Thet, they would have 'permissive powers' to carry out maintenance on this river, which would become an ordinary watercourse. The IDB would have general power of supervision in the IDD, and a duty to maintain flow. The Environment Agency would no longer have, following de-mainment, any 'powers' to carry out maintenance work on the watercourse.
- 8.2 Maintenance needs to be carried out in a way as to not cause geomorphological harm (which can lead to prosecution). We would work closely with the IDB to share current maintenance practise and look at how future maintenance could be delivered. We have also been working closely with Natural England who have set out some criteria within which work on the watercourse can be carried out. These are set out below in paragraph 10.6.
- 8.3 For those assets that are controlled by the Environment Agency, we will retain responsibility for their maintenance. Potential funding for capital works on these structures will be approached in the normal manner.

9. Telemetry and flood warning

- 9.1 The Environment Agency would retain responsibility for operating and maintaining telemetry.
- 9.2 Redbridge Gauging Station is used to trigger the flood alert for The Little Ouse and River Thet. (The flood warning for this area is triggered from Abbey Heath.) The maintenance for this gauge is done by our Hydrometry and Telemetry team and will remain unchanged. The Flood Alert will remain unchanged at this stage.

10. Water Framework Directive (WFD), River Basin Management Plans and biodiversity

- 10.1 As a Risk Management Authority the IDB must comply with WFD legislation. IDBs must have regard for the River Basin Management Plan and, therefore, WFD actions. If the environment deteriorated as a result of an IDB action and the UK is found by the European court to be in breach of the WFD, the costs can then be passed on to the IDB under the Localism Act. It is therefore in the IDB's best interests to ensure compliance with WFD.
- 10.2 The stretch of the River Thet that is looking to be de-mained is classed as heavily modified, and designated for land drainage and flood defence. Techniques of management that involve wholesale removal of bed material and vegetation are nearly always unacceptable means of managing, and 'hydromorphological harm' is an offence that can lead to prosecution. In this water body, all WFD Elements, with the exception of phosphate, are at 'good' or 'high' status, which means the IDB would have a responsibility to prevent deterioration of these elements.
- 10.3 The IDB are very aware of their role around WFD. They have experience of delivering environmentally sensitive maintenance, and would be keen to work with us to ensure the most suitable maintenance options are delivered for the different stretches of the River Thet that were de-mained. They will also look to re-train any contractors where they have any concerns that maintenance is not being carried out as it should be.
- 10.4 East Harling IDB, Natural England and Norfolk County Council attended a joint walkover in November 2016. They discussed shared outputs including ecological sensitivities, non-native species mapping, mitigation measures and other relevant information. This information will help form the basis of a handover document and help inform discussions around appropriate maintenance. The walkover included the stretch of river currently outside of the IDD, and will help inform any future de-mainment once a boundary extension has taken place. Feedback from the walkover was very positive from all parties and the

IDB are now looking at taking their Board members on a site visit to the River Nar to look at and learn from the river restoration work that has been delivered there.

- 10.5 The IDB will need to work closely with the Environment Agency in any areas where there are proposed Water Level Management Plans, in particular at Swangey Fen.
- 10.6 The management principles for the water course, set out by Natural England should be:
- Maintaining/reinstating appropriate groundwater supply is key to preserving the designated communities
 - Not to divert groundwater seepages away from the site via the ditch network
 - Retain ground water levels at or just below the surface throughout the year – this will necessitate river levels being sufficient to prevent shallow groundwater drawdown
 - Avoid prolonged inundation with floodwaters from the River Thet or ditch network which are likely to contain high levels of nutrients, sediment or agrochemicals
 - Reduce/halt summer maintenance to retain high levels
 - Carry out winter blockage maintenance to encourage main channel conveyance and lower winter levels reducing inundation/flooding onto the site and encourage winter drainage.
- 10.7 Natural England will work closely with the IDB to explain the application process, for Habitats Regulations for all works on the River Thet, including Assent for all works and maintenance. A meeting is being planned between the IDB and Natural England to discuss the de-mainment.

11. Low flows and permit abstraction

- 11.1 Any abstraction applications will be dealt with as now, through the Environment Agency. Flow gauges will continue to control abstraction for licence holders.

12. Regulatory processes

- 12.1 If the River Thet was demained, the Environment Agency would no longer be a regulator for the river. If the IDB adopt the watercourse they will take on these responsibilities. Under the Land Drainage Act, 1991 the IDB would take on the responsibility for permitting on the watercourse, and the IDB's Byelaws, made under the same legislation, also apply to the watercourse.
- 12.2 The Environment Agency has not issued any permits for the River Thet in the last year. In the two years previous it issued two consents per year.
- 12.3 The Board was formally constituted in August 1937 and is governed by the Boards Bylaws. Current East Harling IDB Bylaws can be found at: <http://ehidb.org.uk/byelaws-and-financial-regulations/>

13. Planning

- 13.1 The Environment Agency is a statutory consultee for the relevant local planning authority for any development proposed within the bed of, or within 20 metres of the top bank of, a main river.
- 13.2 If the River Thet is de-mained to and adopted by the IDB, the Environment Agency will no longer be a statutory consultee under this remit. However the IDB will be able to comment on any proposals that may impact on their watercourses or require their approval under their byelaws. The IDB actively check the weekly planning lists from the Local Planning Authority.

13.3 The proposed de-maining would not affect the Environment Agency's other status as a statutory planning consultee in relation to local plans, Environmental Impact Assessments or nationally significant infrastructure projects. Nor would they alter the current requirement to consult the Environment Agency on applications for relevant developments:

- In an area within flood zone 2 or flood zone 3 (under paragraph (ze) (i) of Schedule 5 to the Development Management Procedure Order)
- In an area within flood zone 1 identified as having critical drainage problems (under paragraph (ze) (ii) of Schedule 5 to the Development Management Procedure Order). There are currently no critical drainage areas defined within the River Thet catchment.

13.4 De-mainment of the River Thet will also not affect the LLFAs statutory planning role.

14. Role of the Lead Local Flood Authority (LLFA)

14.1 The Environment Agency will require agreement in writing from the LLFA prior to undertaking formal consultation for the following reasons:

- The LLFA has a strategic overview role on ordinary watercourses and therefore there are implications for them when we de-main.
- These implications on the River Thet are:
 - They would need to update their local Flood Risk Management strategy to reflect these additional watercourses.
 - They have to undertake Section 19 investigations – investigations to find the source of the flood, and de-maining may have an impact on these.
 - They are required to hold the asset register of all assets in their area and therefore they need to be made aware of any new assets.
 - The LLFA have a statutory planning consultee role for developments that impact on ordinary watercourses so de-maining will increase this work area for them.

14.2 We plan to attend the Members Working Group on 10 January 2017 and hope to get sign off at the Committee on 27 January 2017.

15. Next steps

15.1 Following the Anglian Central RFCC meeting, we will be working with Norfolk County Council and Breckland Council to get their support, before moving forward to the formal consultation phase.

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