# Follow up briefing for the Environment, Food and Rural Affairs Committee, December 2017

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## Streamlined permitting – flood risk and dredging activities

**EFRA request:** How many permits has the Environment Agency issued for dredging under the new permitting process?

**EA response:**

Since April 2016, we have made the permitting process much simpler by deregulating over a third of all flood risk activities.

For low risk or small scale flood risk activities, such as dredging, we have made the process to register and apply for a permit much quicker and easier by introducing exemptions and standard rules permits, which require much less information.

As flood risk activities become more complex in scale and risks they may not meet all the requirements for exemptions and so a standard rules permit can be issued. If a flood risk activity is not covered by exemptions or standard rules a bespoke permit is required.

### Number of permits and exemptions registered for dredging activities

Since the introduction of environmental permitting for flood risk activities in April 2016, 4630 permits have been issued and 1553 exemptions have been registered. Of these, there were 36 registered exemptions and 79 permits issued for the specific dredging activities highlighted below (FRA23 and FRA24).

### Exemptions for dredging activities

Under the Environmental Permitting Regulations, there are two specific flood risk activity exemptions for dredging that can be registered free of charge:

- Dredging to remove accumulated silt and sand from the bed of up to 1.5km of man-made ditches, land drains, agricultural drains and previously straightened watercourses that are main rivers (FRA23)
- Dredging to remove accumulated silt and sand from the bed of up to 20m of a main river (FRA24)

There are also the following additional exemptions for related activities:

- Removing silt and sand adjacent to in-river structures - no more than 10m upstream or downstream from the edge of the structure (FRA 22)
- Removing silt and sand from bridge arches and any material from existing culverts (FRA21)

### Costs and registration

Exemptions are free of charge and can be registered through an application form or an online portal through GOV.UK: https://register-flood-risk-exemption.service.gov.uk/.

A standard rules and a single activity bespoke application for a dredging permit both cost £170 and an additional £70 if compliance checks are undertaken.

**Maintenance spend for 2016/17**

**EFRA request:** How much of the 2016/17 maintenance budget was spent on maintenance?

**EA response:**

The Environment Agency received a total maintenance allocation of £214 million in 2016/17, and spent £214 million on flood and coastal risk management asset maintenance in 2016/17. We also spent a further £10 million repairing flood defences damaged by the storms of winter 2015/16.

In 2016/17 we saw a steady improvement in the condition of our assets, with 97.2% at the required condition, exceeding our 97% target.

To note: The work that is delivered on flood maintenance involves teams across the Environment Agency using a mix of capital and revenue funding. It is included in the annual report and accounts in line with statutory requirements and accounting standards as set out in the Financial Reporting Manual requirements for Non-Departmental Public Bodies.

**Strengthening local flood risk management – internal drainage boards, de-maining and PSCAs**

**EFRA request:** Where are the money and schemes being devolved to IDBs and drainage authorities? Examples please.

**EA response:**

The Environment Agency has permissive powers to carry out maintenance work to maintain flood and coastal risk management assets in respect of main river and sea flooding including channels, defences and other structures.

We continually seek ways to strengthen local flood and coastal risk management through improving partnership working and collaboration with communities and local partners if they wish to take on some responsibility for maintenance. Our work with internal drainage boards (IDBs) and other risk management authorities on de-maining and public sector cooperation agreements (PCSAs) are good examples of this.

We want to ensure the right bodies are managing the right watercourses and assets in the right places. This will mean that communities will have a direct say in their local flood and water level management. This will allow us to concentrate our resources on rivers that pose a high flood risk to communities.

Public sector cooperation agreements

We work with IDBs and lead local flood authorities (LLFAs) to identify opportunities for efficient partnership delivery using public sector cooperation agreements (PSCAs).

PSCAs, the first of which was developed in autumn 2013, allow other flood risk management authorities and the Environment Agency to deliver maintenance and other activities for each other on a routine basis where there are mutual benefits and efficiencies to be achieved. They are a major step forward in partnership working and enable whoever is best placed to deliver any agreed works to do so. In some cases, this can include partnership funding to overcome issues of funding by a single partner.

There are currently 71 PSCAs in place across the country; 59 with internal drainage boards (IDBs), 11 with local authorities and 1 with a navigation authority. We continue to extend the number of PSCAs and a further 16 are agreed in principle (7 with IDBs, 9 with local authorities).

The extent of work undertaken under PSCAs is increasing as more are developed and more opportunities for partnership working are explored. The wide range of completed works by IDBs and local authorities has included asset improvement works, bank re-profiling, reinstatement works, defence repair, dredging, grass cutting, structure maintenance, weed control, operational inspections, incident response and recovery works.

The total value of PSCA works is £7.8 million, approximately £5 million of which is maintenance related works undertaken by IDBs on main rivers for the Environment Agency. The remainder is on a small number of capital improvement schemes.

PSCA works and activities are delivering a combined national efficiency of approximately 16%, equating to £1.25 million savings to date.

Examples of works undertaken by local partners under PSCAs

The following are examples of where the Environment Agency has either funded or arranged reciprocal working agreements with IDBs and local authorities to carry out maintenance and capital works, gaining efficiencies and strengthening partnerships.

- **North Level IDB** has carried out grass cutting, weed control, dredging, bank/defence repairs and vermin control on the River Nene (fluvial and tidal stretches) and Whittlesey Washes.
- **Ely Group of IDBs** have carried out haul road improvements at Reach Lode, which stabilised the adjacent flood bank. **Trent Valley IDB** have carried out grass cutting, weed control, bushing, channel re-profiling and health and safety improvements on the Fleet, Low Field Drain, Cocker Beck. The IDB also clears screens, removes obstructions and bolsters standby roster numbers when Environment Agency resources are deployed elsewhere during flood incidents (for example, to Cumbria).
- **Lindsey Marsh Drainage Board** and the Environment Agency have a reciprocal arrangement to undertake weed control and bank maintenance on the Woldgrift Drain main river and IDB ordinary watercourses whilst one of the parties is already in the vicinity. This arrangement reduced costs by avoiding the duplication of transporting plant. The IDB and The Environment Agency also provide joint funding to undertake channel clearance works on the River Steeping near Skegness.
- **Parrett IDB** undertakes dredging works to enhance the flow capacity of the River Parrett. These works are part of the Somerset Rivers Authority action plan.
- **Warwickshire County Council** delivered works to bypass a collapsed culvert adjacent to residential properties in Snitterfield. The council re-routed the main river around the properties and made Bell Brook Culvert safe, reducing flood risk and addressing surface water and highway issues**.**

There are similar examples across East Anglia, Yorkshire, the Midlands and in Kent. The efficiencies and mutual benefits achieved so far provide an excellent foundation to take advantage of further partnership opportunities in the future and we are keen to do more.

Rationalising the main river network

Our Rationalising the Main River Network project supports local authorities and internal drainage boards (IDBs) to take on the management of watercourses we currently manage where they wish to do so. This is a pilot project in 5 locations where we have identified watercourses that may be better re-classified as ordinary watercourses - which we term de-maining – to help IDBs and local authorities manage smaller rivers that pose a lower risk of flooding.

Where we are de-maining watercourses we will also transfer assets and land on that watercourse. This will allow greater empowerment of local partners such as IDBs and local authorities to undertake river maintenance where they choose to do so.

The pilot locations and partners are:

1. Norfolk and Suffolk Rivers, East Anglia (Norfolk Rivers IDB, East Suffolk IDB, Broads IDB, Norfolk CC and Suffolk CC)
2. Isle of Axholme, East Midlands (Isle of Axholme and North Nottinghamshire Water Level Management Board)
3. South Forty Foot Drain Catchment, Lincolnshire and Northamptonshire area (Black Sluice IDB)
4. Wormbrook and Allensmore Brook, Herefordshire, West Midlands (River Lugg IDB)
5. River Stour Catchment, Kent & South London area (River Stour (Kent) IDB)

14 public drop-in events have been held recently in 4 of the 5 pilot locations for transferring responsibility allowing local residents and interested parties the opportunity to ask questions and influence proposals. A formal public consultation on some of the pilots will follow early in the New Year.

The public drop-in events were jointly run by the Environment Agency and the partner organisation (IDB or local authority) proposed to take on the watercourse. Feedback from the events so far has been positive with a good spread of representation from across the communities.

On 16 November 2017, Defra published new guidance setting out the basis on which the Environment Agency should decide whether or not a river or watercourse is treated as a 'main river'.

Delivering the 6 year programme

IDBs also play a key role in the identification and delivery of capital projects. There are 49 IDB projects in the Flood and Coastal Erosion Risk Management Investment Programme 2015-2021 (6.3% of total projects and 11.4% of risk management authority-led schemes), that will better protect over 5,000 homes.

Examples of schemes underway include Wrangle Seabanks which is being managed by Witham Fourth District IDB and will reduce flood risk to 438 homes. Welland and Deepings IDB are managing a project to re-line culverted watercourses in their area which will reduce flood risk to over 631 homes by 2021.

## Sheffield City Council's Upper Don Scheme

**EFRA request:** What role has the Environment Agency taken on the Sheffield flood scheme?

**EA response:**

Background

Sheffield City Council (SCC) is leading on the development and delivery of flood alleviation schemes for the Upper River Don, the Lower River Don (now largely complete) and the River Sheaf and Porter Brook in Sheffield. The Environment Agency is supporting SCC with technical advice and support and has deployed additional resources to work on these schemes.

SCC has led on the public consultation on these schemes and on communications with local and national politicians, partners and neighbouring local authorities.

Scheme options and costs

Sheffield City Council has a preferred option for the Upper Don Valley Flood Alleviation Scheme, which would provide protection from a 0.5% chance of flooding in any given year and has an estimated cost of £53 million, of which £8.6 million is anticipated in FCERM grant-in-aid and £4 million in additional funding has been identified.

Phased approach

Given the costs and funding identified for the preferred scheme, a phased approach to construction is being developed. Sheffield City Council will initially concentrate on providing protection from a 1% chance of flooding in any given year, targeting available secured funding on the most vulnerable areas.

The total cost of providing this 1% level of protection is estimated at £29.5 million (£29,475,000). Construction is due to begin in 2018/19. By 2021, £5.8 million (£5,775,000) will be spent on the scheme with £1 million (£1,020,000) in FCERM grant-in-aid, £380,000 (£378,000) in local levy funding and £4.4 million (£4,377,000) in funding via Sheffield City Council. Beyond 2021, an estimated £23.7 million will be required to complete provision of protection from a 1% chance of flooding in any given year.

General Concerns

- "Catchment Wide Approach" and engagement with neighbouring local authorities

  We have been working closely with Sheffield City Council and their consultants since the 2007 floods to develop a programme of works to reduce flood risk across the River Don catchment. The flood modelling carried out extends into the headwaters beyond Sheffield City and we have already carried out detailed investigations into the use of Natural Flood Management measures and the potential use of Yorkshire Water's reservoirs, including those in Barnsley. We share a sound technical

understanding of the issue and have already shared the outputs of the Natural Flood Management study with partners, notably the Sheffield and Rotherham Wildlife Trust who are already considering opportunities within their Lakeland Partnership project.

It is a key requirement of any flood risk management investment that there should be no upstream or downstream detriment to flood risk and SCC will be held to this when developing these schemes. We are working separately with Doncaster and Rotherham Councils to understand flood risk and develop flood alleviation schemes.

There has been extensive engagement with neighbouring local authorities both at officer level in Emergency Planning and Flood Management teams and via the Sub-Regional Flood Partnerships and the Yorkshire Regional Flood and Coastal Committee and its Programme and Investment Sub-Committee.

- Natural Flood Management (NFM)

  Extensive work has already been carried out to assess the potential role of NFM measures in reducing flood risk across the catchment. The outcomes of this work have been shared with a working group of key partners including Yorkshire Water, the Peak Park, Sheffield & Rotherham Wildlife Trust, the NFU and others. The working group has already met to consider how NFM can be delivered as part of the wider flood alleviation schemes. We do, however, have to be realistic about the benefits NFM measures can have on the extensively developed downstream areas in Sheffield and beyond. On its own NFM will not be sufficient to reduce flood risk to the level SCC aspires to maintain and encourage investment, but can complement any engineered measures and help to mitigate climate change into the future.

Specific Concerns Relating to the Upper Don Scheme

- Scheme options and consultation

  Sheffield City Council have led on all engagement for this scheme and carried out extensive online and public drop-in consultation in late summer 2016. SCC chose to do this at an early stage in the scheme development process to maximise public involvement. The consultation produced a significant number of responses and, as a consequence, SCC's proposals were amended to address a number of concerns. The number of proposed flood storage areas has been significantly reduced and is now focused on SCC-owned parkland. Flood storage areas in ancient woodland and on sites without landowner support have been removed from the long list. These changes are reflected on SCC's web pages for the scheme.

  Further public consultation on the amended proposals is awaiting progress on SCC's work to secure additional partnership funding for the scheme. We will work with SCC to assist them in their engagement as the scheme progresses.

- Use of Yorkshire Water's reservoirs for flood storage

  We have done a significant amount of work with SCC and Yorkshire Water over a number of years to better understand the potential role of reservoirs in flood attenuation. What role reservoirs ultimately play in reducing flood risk to Sheffield will depend on a number of factors including cost, water resources, health and safety and

environmental considerations. A proposed pilot study in Calderdale will help us better understand some of these considerations and how they may be mitigated.

- Use of hard engineering solutions**.**

  The river channels in Sheffield are heavily modified and hard engineering solutions will have to play a significant part in any scheme to reduce flood risk in central Sheffield. The benefits that can be realised have already been demonstrated by works at Nursery Street and Matilda Street. A number of culverts and restrictive structures have been identified for potential removal bringing environmental benefit in addition to a reduction in flood risk.

**Prosecutions against water companies**

**EFRA request:** How many prosecutions against water companies do you bring?

**EA response:**

Here is the number of times we have prosecuted the water companies between January 2011 and September 2017, and the total of those fines.

ANGLIAN WATER SERVICES LIMITED = 6 times (Total £185,000)

NORTHUMBRIAN WATER LIMITED = 5 times (Total £52,500)

SEVERN TRENT WATER LIMITED = 13 times (Total £1,104,500)

SOUTH WEST WATER LIMITED = 37 times (Total £1,882,734)

SOUTHERN WATER SERVICES LIMITED = 19 times (Total £3,231,500)

THAMES WATER UTILITIES LIMITED = 23 times (Total £22,229,485)

UNITED UTILITIES WATER LIMITED = 23 times (Total £3,104,500)

YORKSHIRE WATER SERVICES LIMITED = 14 times (Total £2,761,535)

We report on the environmental performance of water companies every year: https://www.gov.uk/government/publications/water-and-sewerage-companies-in-england-environmental-performance-report

**How SEPA's approach to planning decisions for incinerators differs from the Environment Agency**

**Efra request:** How is SEPA's approach to planning decisions different to the Environment Agency?

**EA response:**

The Environment Agency is a statutory consultee on planning applications for proposed waste incinerators on the basis that they require an EIA (Environmental Impact Assessment). We understand that Scottish planning law is similar in its approach and that therefore the approach taken by SEPA would be broadly as set out below. At this stage, we have not consulted with SEPA but we are pursuing this.

Our planning and permitting guidelines explain that we are unlikely to grant a permit where such a facility is proposed in a groundwater source protection zone SPZ1. In such cases we may lodge an objection in detail (requesting risk assessment as a minimum), if not in principle, at the planning application stage. More detailed consideration and ideally parallel tracking of planning and permitting is recommended where facilities are proposed in SPZ2, in Air Quality Management Areas, or in proximity to designated sites which may be vulnerable to air quality.

We may also comment on flood risk, land contamination, construction pollution and other matters on a risk prioritised basis. In any response to a planning consultation we are also likely to explain the scope of any necessary permit, so that both the Local Planning Authority and the applicant is clear on what will be controlled through the permit (if one is obtained). We are mindful of doing anything at the planning stage that may pre-empt or prejudice any decision on whether to issue or refuse a permit.

## Prosecutions and enforcement action taken by the Environment Agency against incinerators

**Efra request:** How many prosecutions and enforcement actions have you taken against incinerators?

**EA response:**

We have recorded the following on our enforcement databases in respect of 'incinerators' between 2000 and the present.

| | |
|---|---|
| Cautions | 2 |
| Prosecutions | 12 |
| Enforcement Notices | 11 |

These numbers include both the operation of permitted incineration installations contrary to permit conditions (8 cases) and the operation of illegal small scale 'incinerators' on waste facilities (17 cases), for example on waste treatment sites. As such the Committee may wish to disregard the latter figure. In addition our national databases do not hold specific information relating to enforcement action taken so we are unable to provide further information at this stage. If the Committee wish for further information we would be happy to provide this at a later date.

Between December 2012 and the present we also served 7 Notices (over 2 incidents) and 16 Warning Letters (over 10 incidents).

## Water Framework Directive targets

**Q: Are we going to meet the target of all our watercourses achieving good ecological status by 2027? If there is any written evidence you could provide as to how we may better meet that target, we would be very interested to hear.**

The Updated River Basin Management Plans for England, published in 2016, focus on the improvements for the period 2016 to 2021. The Plans confirmed over £3billion of investment by 2021, leading to improvements in at least 680 water bodies. Actions to enhance the water environmental are being taken by the public, private and voluntary sectors, applying a catchment based approach. Since the updated Plans were published, these actions have enhanced over 1,350 miles of the water environment, against an overall target to enhance at least 5000 miles of waters by 2021.

The Plans, including the objectives, will be updated in 2021 taking account of progress that has been made and the best evidence on what can be achieved by 2027. This will include taking into account the expected environmental benefits from schemes in the water industry's next round of environmental improvements (PR19), any revisions to the funding and regulatory regimes for agriculture, and planned interventions by catchment partnerships.

The limitations of only reporting the condition of waters based on the Water Framework Directive classification scheme - which uses a 'one-out-all-out' approach - are well recognised. To address this the results for individual indicators such as fish and plants are also used. Progress in implementing the actions needed to achieve the objectives in the Plans and the length of rivers the actions enhance are also tracked and reported. Additional metrics for reporting the state of the environment may be used in future, including those relating to assessments of Natural Capital.