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Embargo: Not for publication or broadcast before 00:01 on Friday 19 July 2013

Environmental groups warn of dredging ‘triple whammy’ with damage to wildlife, increased flooding and legal challenges

The Blueprint for Water coalition of environmental organisations has this week submitted a strong response to the Government, objecting to proposals to weaken controls on river dredging which have been produced at the request of Environment Secretary Owen Paterson.

The Environment Agency was asked by Mr Paterson to consider how it can make it easier for farmers and landowners to undertake their own dredging and watercourse maintenance, in response to some strong lobbying by the National Farmers Union in the aftermath of last year’s heavy rainfall and flooding.

The Agency now proposes to deregulate parts of the consenting process for dredging through the use of a Regulatory Position Statement (RPS) that would enable farmers and landowners to undertake works themselves. The Blueprint for Water coalition believes that this move runs contrary to the EA’s own advice on the use of dredging as a flood control measure and is concerned that the deregulation could herald a return to the river management regimes of the 1960s and 70s. This was a time when rivers were dredged and straightened and when valuable habitat was destroyed in the mistaken belief that moving floodwater downstream at a faster rate would reduce flood risk. In fact studies have shown that at best, dredging is often ineffective. At worst, it can create heavier flooding by increasing the height of the peak flows.

Worryingly, Mr Paterson is reported as telling the South West Agricultural Conference in April this year that, *‘The purpose of waterways is to get rid of water.’*

The Environment Agency’s own guide to Dredging and Flood Risk states:

‘Dredging river channels doesn’t make them big enough to contain the huge volumes of water during a flood. When a major flood occurs, water soon fills the river and enters what we call the ‘floodplain’. The floodplain is an area of land over which water naturally flows during flooding. Even major dredging will not free up enough space in the river channel to stop this from happening.’

In its response to the RPS the Blueprint coalition said: ‘We do not believe that a return to ad-hoc and uncoordinated river “maintenance” has a role to play in the future. Such a move is diametrically opposed to the spirit of the Catchment Based Approach launched by Richard Benyon in June this year (which will see coordinated action at a local level to improve the health of our river systems), and it risks causing significant environmental damage and exacerbating flooding impacts in downstream communities.

‘Wetland wildlife is in crisis, despite the range of legislation designed to protect and enhance it. We understand the difficulties that heavy rainfall events bring for farmers and for food production. However, data from the Environment Agency suggests widespread non-compliance with legislation is at the root of many of the runoff and siltation problems facing our rivers and wetlands. We are concerned that the RPS proposal relaxes controls further and, in doing so reinforces the view that

environmental protection is a burden that can be ignored at will, rather than a tool that actually helps control flooding and protects our natural heritage and wildlife for the benefit of all.'

The Blueprint coalition has also warned of potential legal challenges and consequent risks for landowners adding: 'We have concluded that the proposal set out in the RPS will, at best, maintain the status quo. It is more likely, however, to pose a significant threat to the natural environment, to compromise domestic and European obligations and put landowners at risk of inadvertently falling foul of legal requirements.'

The Blueprint for Water coalition outright objects to the proposed content and trialling of the RPS; instead, it suggests that the government should consider piloting an improved fast track consenting process designed to reduce unnecessary red tape while keeping in place existing environmental protections and controls. The coalition also suggested Government should work with farmers to improve soil and land management to stop soils from washing into rivers into the first place, and should ensure that the flooding of agricultural land is addressed at catchment scale, with a thorough assessment of the causes and development of sustainable solutions.

Carrie Hume, Chair of the Blueprint for Water coalition says:

'The reduction in dredging activity by organisations such as the Environment Agency reflects the growing recognition that it just isn't an effective way of preventing large-scale flooding. We're sure that the farming community will see through the Government's 'offer' which will allow them to undertake - at their own cost and risk - an activity which in the majority of cases is likely to see more flooding, not less, and fewer and fewer places with a healthy river environment. This is a very short-sighted way to deal with calls for action.'

'The Government is in danger of creating the triple whammy of a 'lawyer's charter' as well as long term environmental damage and increased flood risk. Common sense must tell them that there is better way.'

Ends

For more information please contact:

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Attached: Letter to Owen Paterson

Notes to editors

1. The Blueprint for Water coalition is a unique coalition of environmental, water efficiency, fishing and angling organisations which call on the Government and its agencies to set out the necessary steps to achieve "sustainable water" by 2015. The Blueprint for Water is a campaign of Wildlife and Countryside Link. More information is available at: www.blueprintforwater.org.uk.
2. The Environment Agency guide to Dredging and Flood Risk is here <http://www.ourcityourriver.co.uk/downloads/Dredging%20Leaflet.pdf>
3. Impact on the Habitats Directive and the Water Framework Directive: The Blueprint for Water believes that these proposals pose significant legal risks to the UK Government and to landowners under the current Habitats Regulations, due to the significant possibility of damage to Natura 2000 sites, including wetlands whose water levels are dependent on in-stream water fluctuations, and to protected species. The proposed changes in the permitting regime are likely to undermine the environmental objectives of water bodies designated under the Water Framework Directive which requires Member States to 'have measures in

place to prevent morphological damage so as to protect aquatic ecosystems from further deterioration and restore them to Good Ecological Status/Good Ecological Potential.'

4. Defra define the Catchment Based Approach as coordinated action at the catchment level by all those who use water or influence land management within a catchment. Defra have identified a number of principle for the Catchment Based Approach:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/204231/pb13934-water-environment-catchment-based-approach.pdf. The Blueprint for Water also has a vision for a Catchment Approach:
http://www.wcl.org.uk/docs/Blueprint_for_Water_vision_for_a_catchment_approach_Jun13.pdf.
5. Below are some other sources of information available on this subject:
 - a. Drainage channel biodiversity manual – Download from Natural England website <http://naturalengland.etraderstores.com/naturalenglandshop/product.aspx?ProductID=e2dae3b7-f789-40e8-b0f6-8cf8a1637032>
 - b. The "SEPA" guide – Download from SEPA http://www.sepa.org.uk/water/water_regulation/guidance/engineering.aspx.
The following two documents are particularly relevant:
 - i. Good practice guide – Sediment management
 - ii. Good practice guide – Riparian Vegetation management
 - c. Water Framework Directive Mitigation Measures Manual website is available [link here](#)

LETTER TO PATERSON

Rt. Hon. Owen Paterson MP
Secretary of State
Defra
Nobel House
17 Smith Square
London, SW1P 3JR

4 July 2013

Dear Secretary of State,

Thank you for your letter of 10th June. We enclose for your reference our detailed position on the draft Regulatory Position Statement (RPS) on 'Undertaking dredging work on main river watercourses', which we have also shared with the Environment Agency following our meeting with them on 17th June.

In summary, we believe that approach outlined in the draft RPS is not fit for purpose. The measures set out are unlikely to mitigate the problem of rural flooding caused by excessive rainfall. On the contrary, we believe the RPS poses a significant and avoidable threat to the natural environment and risks compromising domestic and European obligations. It could also risk the reputation of farmers who unwittingly fail to take the necessary steps to protect the environment

As a result, the Blueprint for Water coalition strongly opposes the approach outlined in the RPS. Instead we advise:

- Working to improve the existing approach through the provision of integrated advice; and
- Pursuing reform through the current Water Bill to introduce risk-based consenting for all activities (including river restoration) for all watercourses (Main and Ordinary).

If Defra choose to ignore our advice, we believe it will be vital to trial rollout with a design that includes:

- Trialling “fast-tracking” of land drainage consents for all land drainage activities (including river restoration) as a comparator to deregulation using an RPS;
- Budget for agricultural extension services that focus on minimising runoff and soil loss;
- Setting clear environmental, economic and agricultural success criteria against which delivery of the pilots can be assessed; and
- Robust monitoring and enforcement that goes beyond the Environment Agency’s “business as usual”.

We hope that you find our considered opinion useful in reviewing the options before any further announcements are made.

Yours sincerely,

Carrie Hume
Chair, Blueprint for Water coalition

This letter is supported by the following seven organisations:

- Angling Trust
- Rivers Trust
- Royal Society for the Protection of Birds
- Salmon & Trout Association
- The Wildlife Trusts
- Wildfowl & Wetlands Trust
- WWF-UK