

MIDDLE LEVEL COMMISSIONERS

POLICY STATEMENT ON FLOOD PROTECTION AND WATER LEVEL MANAGEMENT

APRIL 2014

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1. INTRODUCTION

Purpose

- 1.1 This policy statement has been prepared by the Middle Level Commissioners to provide a public statement of the Commissioners' approach to their management of flood risk and water levels in their District.

Background

- 1.2 The Department of the Environment, Food and Rural Affairs has policy responsibility for flood risk management and coast protection in England. However, delivery is the responsibility of a number of flood and coastal defence "operating authorities" which includes the Middle Level Commissioners. The Commissioners' maintained infrastructure is shown in para 3.8 below and on the plan attached to this Statement.
- 1.3 The Government is taking forward a strategy for flood and coastal erosion risk management in England called "Making Space for Water".
- 1.4 The Commissioners have reviewed its policy statement setting out its plans for delivering the Government's policy aim in its area. The review includes updating the assessment of the risk of flooding in the area, and its approach to reducing or managing that risk.
- 1.5 This policy statement fulfils that requirement.

- 1.6 Copies of this Statement are available from the Commissioners' office at Middle Level Offices March Cambridgeshire PE15 0AH and on its website (www.middlelevel.gov.uk). Copies have also been sent to the Department of the Environment, Food and Rural Affairs, the Environment Agency and to local authorities in the Commissioners' District.

2. **HOW THE COMMISSIONERS WILL DELIVER THE GOVERNMENT'S POLICY** **AIM**

- 2.1 The Middle Level Commissioners acknowledge and support the Government's aim for flood risk management. The Commissioners' policy and approach will be consistent with this aim, taking into account the resources of the Commissioners. The Commissioners are also a statutory navigation authority and maintain water levels for navigation in accordance with the navigation statutes. Water levels in the Middle Level watercourses are also important for fisheries, dilution of treated sewage effluent and general environmental purposes. The Government's strategy aims:-

To manage the risks from flooding and coastal erosion by employing an integrated portfolio of approaches which reflect both national and local priorities so as:

- to reduce the threat to people and their property, and
- to deliver the greatest environmental, social and economic benefits, consistent with the Government's sustainable development principles

To secure efficient and reliable funding mechanisms that deliver the levels of investment required to achieve the vision of this strategy.

- 2.2 The Commissioners will adopt a strategic approach to flood risk management. This approach should provide economic, environmental and social benefits to the District. It should also take account of natural processes, use resources wisely and avoid, as far as possible, committing future generations to inappropriate options for flood risk management.

2.3 The Commissioners will assist the Environment Agency and the Lead Local Flood Authorities, wherever possible in their provision of adequate and cost effective flood warning systems, integrating with the Agency and the Lead Local Flood Authorities in response to flood emergencies and participating as necessary in exercises to develop and test emergency response procedures. The Commissioners are represented on the Environment Agency's Flood Warning Planning Group for the Cambridgeshire Police Force Area (including the City of Peterborough) and, in addition, have representatives on behalf of the Commissioners and local internal drainage boards on the Flood Risk/Water Management Partnerships led by the Lead Local Flood Authorities.

2.4 Development Control/development planning

The Commissioners will seek to prevent inappropriate development and land use that could increase flood risk including where such development would lead to an increased discharge from the public sewage system or sewage treatment works to the Commissioners' watercourse network. It will encourage well planned development by working to influence policy planning and decisions. It will do this by:

- Liaising with appropriate bodies to influence long-term development through appropriate Planning Strategies.
- Using the Commissioners' role in the town and country planning process to seek to ensure that:
 - development does not take place which has an unacceptable risk of flooding leading to danger to life, damage to property and wasteful expenditure on remedial works
 - development does not create or exacerbate flooding elsewhere
 - development does not take place which prejudices possible works to reduce flood risk
 - development does not cause unacceptable detriment to the environment.
 - development does not lead to increased costs being incurred by the Commissioners.

- Requiring applicants for consent from the Commissioners, whether under the Land Drainage Act 1991, the Highways Act 1980, the Water Industry Act 1991, the Flood and Water Management Act 2010, or the Commissioners' byelaws or any other relevant legislation, to provide appropriate flood risk assessments as part of their application.

The potential impact on flood risk through future development in the Commissioners' District, or in the wider catchment draining to the District, is fully recognised by the Commissioners. Where appropriate, the Commissioners will secure from Developers, and other direct beneficiaries, contributions to cover the cost of both immediate and longer term works necessary in ensuring that any potential increase in flood risk is alleviated. The Commissioners will, on the implantation of such powers, work with the designated SUDS Approval board to ensure that any potential increase in flood risk arising from development is reduced.

3. THE COMMISSIONERS' ASSESSMENT OF THE RISK OF FLOODING IN ITS DISTRICT AND WHAT IT WILL DO TO REDUCE OR MANAGE THAT RISK

- 3.1 Within the Commissioners' District potentially all the area is at some risk of flooding and the Commissioners will seek to retain this risk at acceptable levels through the undertaking of appropriate improvements and the implementation of a sound maintenance strategy. It is of course not possible for all risk of flooding to be eliminated. The Commissioners will also make input to Local Flood Risk Strategies relevant to its catchment. The Commissioners will also seek to ensure that the Environment Agency maintain at a satisfactory standard any flood defences which also afford protection to the District. In particular the Commissioners will continue to press the Agency to draw up contingency plans in the event of a failure in the Barrier Bank regime protecting the Middle Level District and to take proper steps to reduce the bed level of the tidal river, so allowing the freer discharge of surplus water.

- 3.2 The Commissioners will raise appropriate drainage rates and special levies to fund their flood risk management works, which will be based on knowledge of need.
- 3.3 The Commissioners' powers to carry out flood risk management works are permissive (ie the Commissioners are not obliged to carry out works) and their resources limited. There are some 30 internal drainage boards situated within the Middle Level District and the significant majority of the watercourses within the Middle Level District also therefore fall under the jurisdiction of these smaller drainage authorities or are the direct responsibility of other bodies or the adjoining landowners. The Commissioners' policy is therefore to exercise their functions and apply their resources in maintaining and where necessary and appropriate improving the major watercourses and associated structures within the Middle Level District. The Commissioners will therefore only take action in respect of other watercourses or works where resources are available and where it is in all the circumstances appropriate for them to do so bearing in mind in particular the existence of the smaller drainage authorities and the powers available to these authorities and to the other relevant bodies or persons. The watercourses and other works in respect of which at the present time the Commissioners exercise direct jurisdiction are shown on the plan attached to this Statement. The Commissioners have a supervisory duty, under section 1(2)(d) of the Land Drainage Act 1991 over all matters relating to the drainage of land in their District and will, under this duty where appropriate advise others regarding the undertaking of works when it is not appropriate for the Commissioners to exercise their own powers.
- 3.4 In carrying out their functions the Commissioners will consider their activities within the wider natural and developed environment seeking to ensure the avoidance of any adverse impact. The Commissioners will equally co-operate with other drainage authorities and organisations in seeking to ensure that adverse impacts on the drainage District do not arise as a result of other activities.

3.5 The Commissioners will carry out their maintenance and improvement works in an efficient and cost effective way to secure best value for money using best practice and accessing appropriate specialist advice when necessary and when such advice is not available from the Commissioners' own employees.

3.6 The Commissioners will so far as is practicable and appropriate undertake and encourage the provision of adequate, economically, technically and environmentally sound and sustainable flood protection and water level management measures and so far as their powers permit seek to control development which could increase the risk of flooding.

3.7 As mentioned in this Section, the entire District is at some risk of flooding but that risk is substantially controlled. The following are the key details of the District:

Catchment Area draining to and including the District	70,000 ha
Total area of the District	46,515 ha
Area of Agricultural Land	44,070 ha
Other land including property, highways, etc	2,445 ha
Sites of Designated Environment Interest	
Wetland SSSI	208 ha

(NB – Culverts under roads are generally the responsibility of the relevant Highway Authority ie the County Council or the Highways Agency)

3.8 Commissioners Maintained Infrastructure

Pumping Stations	2 No
Other Water Level Control Structures	20 No
Watercourses	186 km
Raised Embankments	301 km

The Environment Agency maintain a number of main river assets in proximity to the Middle Level Commissioners' District, in particular:

Old Bedford River	Middle Level Barrier Bank
River Ouse	Welney Gate
Old Bedford Sluice	Ouse Washes (Flood Storage Reservoir)
Old Bedford Bank	

- 3.9 The Commissioners will exercise as required their powers under the Land Drainage Act 1991, the Flood and Water Management Act 2010, the Middle Level Acts 1810-74 and any other relevant legislation, and their Byelaws to seek to ensure that activities in and alongside their drainage system do not reduce flood protection standards and unnecessarily increase flood risk. The Commissioners will where appropriate designate structures or features using section 30 of the Flood and Water Management Act 2010.
- 3.10 Through the operation and maintenance of the pumping stations and the channel system the Commissioners seek to maintain a general standard capable of providing flood protection to their District of 1 in 100 years. This likely return period can not be taken literally and should be considered as a chance of some overspilling from the system taking place each year as being 1%.
- 3.11 The Commissioners monitor the condition of their pumping stations and watercourses, particularly those watercourses, overspilling from which could affect property. The Commissioners also monitor the drainage infrastructures of the drainage bodies situated within the Middle Level District in so far as such infrastructures might affect the Middle Level system. Consistent with the established need, a routine maintenance programme is in place to ensure that the condition of the Commissioners' assets is commensurate with the

standards of protection which are sought. Where standards are not at the policy level, improvement works will be considered and undertaken where it is appropriate to do so.

The Commissioners welcome from their agricultural ratepayers, special levy councils, Lead Local Flood Authorities, and members of the public any comments on the condition of their system which could lead to any increased flood risk.

3.12 The Commissioners will seek to promote the need for works in their District and create a rational understanding among people who live and work in it as to what the flood risk is and the efforts made to control it. They will also seek to achieve directly and through local councils a culture within which the watercourses are seen as vital to controlling flood risk, whilst providing an interesting aquatic habit and dissuade abuse of them through dumping waste or obstructing flows in other ways. Individuals have an important part to play in recognising and understanding their role in helping to protect themselves from flooding and its impacts. People need to recognise and appreciate

- the vital role of watercourses in controlling flood risk
- the need to avoid blockages whether by dumping rubbish or obstructing flows in other ways

The Commissioners will publish their proposed annual programme of capital and maintenance work at their offices and in such other ways as from time to time may be deemed appropriate.

4. ENVIRONMENTAL MEASURES

4.1 The Middle Level Commissioners have nature conservation duties under the Land Drainage Act 1991, the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Countryside and Rights of Way Act 2000, the Water Environment (Water Framework

Directive) (England and Wales) Regulations 2003, the Eels (England and Wales) Regulations 2009, the Conservation of Habitats and Species Regulations 2010, the Flood and Water Management Act 2010, the Natural Environment and Rural Communities Act 2006, and as a competent authority under the Conservation (Natural Habitats etc) Regulations 1994. The Commissioners will fulfil these in a positive way. The Commissioners have established a conservation committee on which the Environment Agency, the local Wildlife Trust and Natural England are represented. A conservation strategy has been drawn up and a conservation guidance manual for works in and around watercourses for use by the Commissioners' employees produced.

Much of the Commissioners' watercourse maintenance work constitutes vegetation control and de-silting and is a vital and routine requirement. Whilst inevitably some short term impact will arise, this management is essential also to maintain the diverse aquatic habitat in the District. The Commissioners also receive advice from their Conservation Officer and have a Biodiversity Action Plan and a Conservation Manual which indicate the way in which their functions can be carried out in a way appropriate to the environment and how the environment can be enhanced. The Commissioners maintain only a small proportion of the total watercourse length in the District, the significant majority being the responsibility of the adjoining land owners or of other bodies.

When carrying out works, be it maintenance or improvement, and consistent with the need to maintain satisfactory flood protection standards, the Commissioners will aim to

- avoid any unnecessary or long term damage to natural habitats
- ensure no net loss of habitats covered by Biodiversity Action Plans, monitoring any gains and losses and reporting annually to the Environment Agency
- take appropriate opportunities to enhance habitats.

- 4.2 The Commissioners will play their full role in sustaining the water level management plan prepared for the Woodwalton Fen SSSI and, in conjunction with Natural England and other interested parties, review the plan in accordance with DEFRA guidance.

5. **REVIEW OF POLICY STATEMENT**

The Middle Level Commissioners will review this Policy Statement every 5 years or following any significant changes in Government policy for flood risk management.