

Environmental Risk Management

For Internal Drainage Boards

July 2025

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What is Environmental Risk Management

Conserving & Enhancing Biodiversity:

- Is optional ✗
- Is a luxury / nice to do ✗
- Is expensive ✗
- It obstructive to flood risk and water level management ✗

- It's reputational management ✓
- It attracts funding ✓
- It's good for farming ✓
- It's good for the environment ✓
- It can save money ✓

It is the law ✓

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IDB Duty & Non-compliance Risk

Land Drainage Act 1994		RISK:
General Nature	- Further the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest - Take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects	Investigation by the Office of Environmental Protection (OEP) and penalties they may impose.
NERC 2006 Act (by laws) & Environment Act 2021		RISK:
General Biodiversity (Bats)	- An IDB must, from time to time, consider what action they can properly take, consistently with the proper exercise of its functions, to further the conservation and enhancement of biodiversity. - After that consideration the IDB must determine such policies and specific objectives as it considers appropriate for taking action, then Take such action	Investigation by the Office of Environmental Protection (OEP) and penalties they may impose.
Wildlife & Countryside Act		RISK:
Birds Water Voles Reptiles Bats	It is an offence to <i>intentionally or recklessly</i>: - kill, injure or take the animal - take, damage or destroy a wild bird's nest while it's being used or built - take or destroy a wild bird's egg - destroy, damage, or obstruct access to any structure or place which a protected animal uses for shelter or protection - disturb any protected animal while it is (building) or occupying (or near) a nest / structure or place which it uses for shelter or protection	Criminal Offence - Up to unlimited fines and up to 6 months in prison for each offence.



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IDB Duty & Non-compliance Risk

Conservation of Habitats and Species Regulations 2007		RISK:
Reptiles Otters Bats	It is an offence to <u>deliberately:</u> - kill, injure, disturb or capture them - take or destroy their eggs - damage or destroy their breeding sites and resting places (even if they are not in them)	Criminal Offence - Fines up to £5000 per offence and/or a prison sentence.
Protection of Badgers Act 1992		RISK:
Badgers	It is an offence to: <u>wilfully</u> kill, injure or take, or attempt to kill, injure or take, a badger. <u>Cruelly</u> ill-treat a badger, dig for badgers, use badger tongs, use a firearm other than the type specified under the exceptions within the Act. - Interfere with a badger sett by damaging, destroying, obstructing, causing dog a dog to enter a sett, disturbing an occupied sett - either by <u>intent or by negligence.</u>	Prison sentence for up to 6 months and an unlimited fine.
Salmon and Freshwater Fisheries Act 1975		RISK:
Fish & Eels	Prohibits disturbance or damaging activities to fish and their eggs between March 15th to June 15th inclusive. It is an offence to: <u>Wilfully</u> disturb any spawn or spawning fish, or any bed, bank or shallow on which any spawn or spawning fish may be	Prosecution and an unlimited fine.



IDB Duty & Non-compliance Risk

Others		RISK:
Various	• Environmental Permitting Regulations 2016 • Waste Regulations 2011 • Water Framework Directive • Water Act 2003	Various prosecutions and fines.



The Risk is Real...



IDB imprisoned for destroying a SSSI river

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◆ AI Overview

In 2023, a farmer named John Price was imprisoned for damaging the River Lugg, a Site of Special Scientific Interest (SSSI). He was jailed for 12 months after admitting to seven charges related to his actions, including failing to stop pollution entering the water, removing gravel and silt from the riverbanks, and building a hard-standing area. The damage caused serious harm to wildlife and water quality within the SSSI, [according to the Herefordshire Wildlife Trust](#). The River Lugg is a nationally important river and home to various rare river wildlife. [🔗](#)



GETTY IMAGES

| Water voles are listed as rare and threatened

Nicola Gilroy

BBC Investigations, East Midlands

25 February 2025

Police are investigating a public body over potential harm to water voles and their habitats.

The Environment Agency asked the Trent Valley Internal Drainage Board to cut weeds and de-silt parts of the River Smite in Nottinghamshire last year following complaints from residents and businesses about flooding.



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Identifying IDB Environmental Risks

Routine Maintenance

- Flail mowing
- In-channel vegetation management
- De-silting
- **Water Level Management**

Non-routine Works

- Piling & revetment (steel & wood)
- Bank repair & reformation
- New & replacement culverts
- Scrub & tree management



Managing IDB Environmental Risk

You Need Evidence

That the IDB has not been

reckless / intentional / negligent

and

has considered

Environmental laws / factors



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Biodiversity Action Plans (BAPs)

Drainage Ditch Action Plan

Target Reference	Target	Action Reference	IDB Actions	Partners	Date	Indicators	Report
1	Manage ditches for biodiversity as well as for drainage	1.1	Establish and maintain a management plan for routine IDB operations incorporating key biodiversity features	Conservation Officer	2015	Plan finalised and followed each year	<i>A map-based plan has been produced. It will be updated and added to as further information becomes available.</i>
		1.2	Look for opportunities to provide natural erosion protection such as marginal plant ledges when re-profiling ditches	Conservation Officer	Ongoing	If re-profiling is	<i>No opportunities to</i>
		1.3	Provide natural erosion protection as in 1.2 if opportunities available	Conservation Officer	Ongoing		
2	Identify ditches of conservation interest and manage appropriately	2.2	Ensure appropriate management of ditches for priority species	Conservation Officer, Plantlife, Wildlife Trust	Ongoing		
3	Support the Conservation Officer in working with landowners to benefit wildlife in the district	3.1	Refer private landowners to the Conservation Officer for advice on creating field margin buffer zones and wildlife-friendly ditch management	Conservation Officer, Natural England, Wildlife Trust, FWAG	Ongoing	contacts received and passed to Conservation Officer	<i>received regarding pond creation. CO will liaise and discuss when appropriate.</i>
4	Control invasive species	4.1	Report any sightings of non-native invasive species immediately to the Conservation Officer and control as appropriate	Conservation Officer, Environment Agency, Plantlife, Wildlife Trust	Ongoing	Reports to Conservation Officer	<i>No invasive non-native plants recorded</i>
5	Plant black poplars to increase existing population	5.1	Identify suitable sites and plant at least 2 young black poplars	Conservation Officer	2015	Number of trees planted	<i>12 black poplars were planted previously – see map.</i>

Be familiar with and regularly review your BAP to manage environmental risks and deliver your statutory duty to enhance biodiversity



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Managing Risks From Non-routine Works:

IDB Work Package Environmental Screening Report (ESR)		 middle level commissioners
Operatives & field workers - please refer to orange sections		
Ops/Eng Officer complete Part 1 - Env Officer complete Parts 2-9		
PART 1: Workpackage details.		
IDB Name:		
Responsible Engineer/Officer:		
Name of work package:		
Work/project reference:		
Description of works required:	<i>Method statements etc.</i>	
Location: (Use W3W start and end point and direction of travel)		
Photos of location (add more if required):	<i>Pic A)</i>	<i>Pic B)</i>

**Complete an “ESR” form
(available on the IDB Portal from the MLC website)
& return to MLC
IN PLENTY OF TIME
(a year is not too much notice)
To manage environmental risks from non-routine works.**

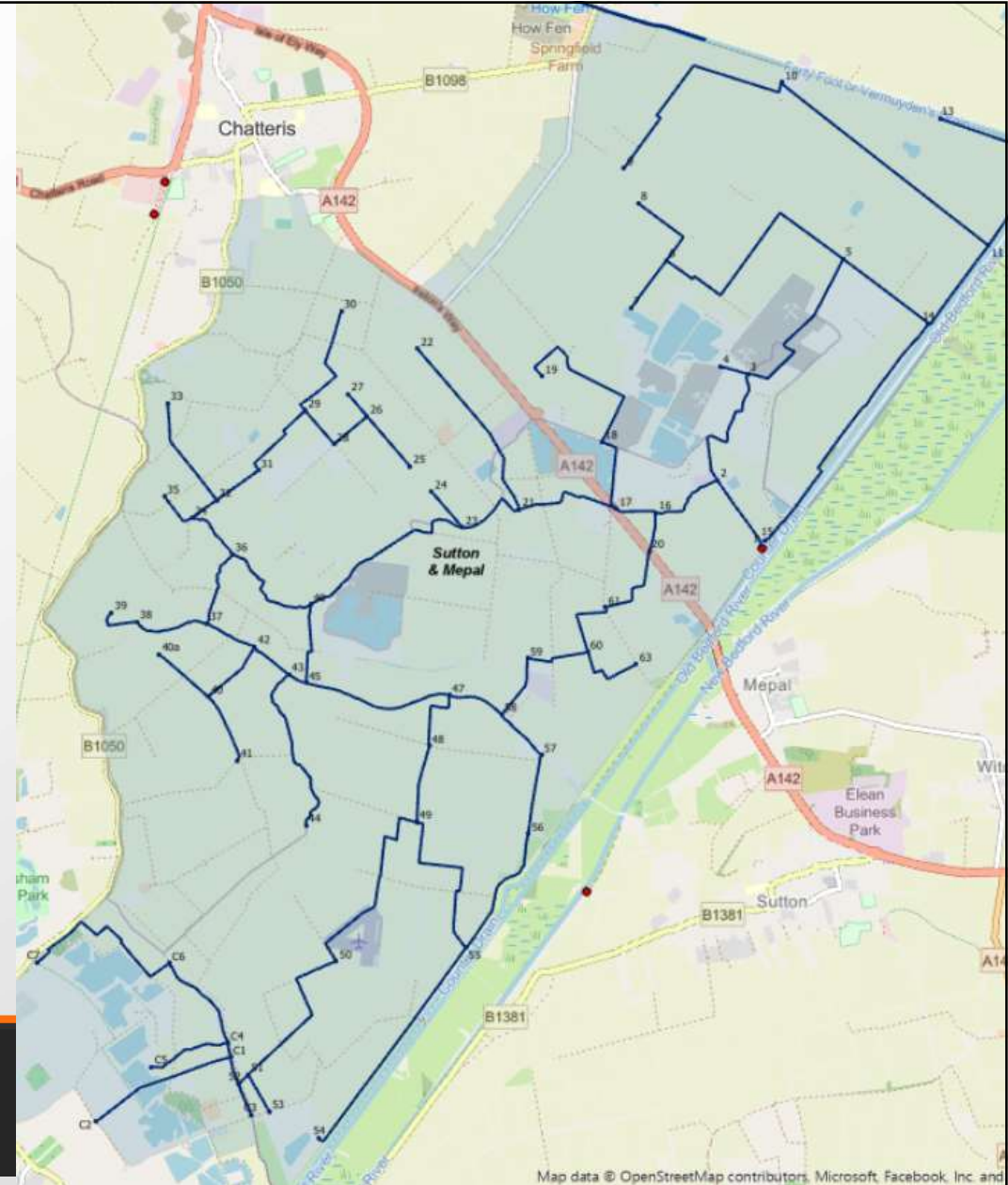


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Define Channel Risk Category to Determine Maintenance Approaches

Start with the district map



Determine Channel Risk

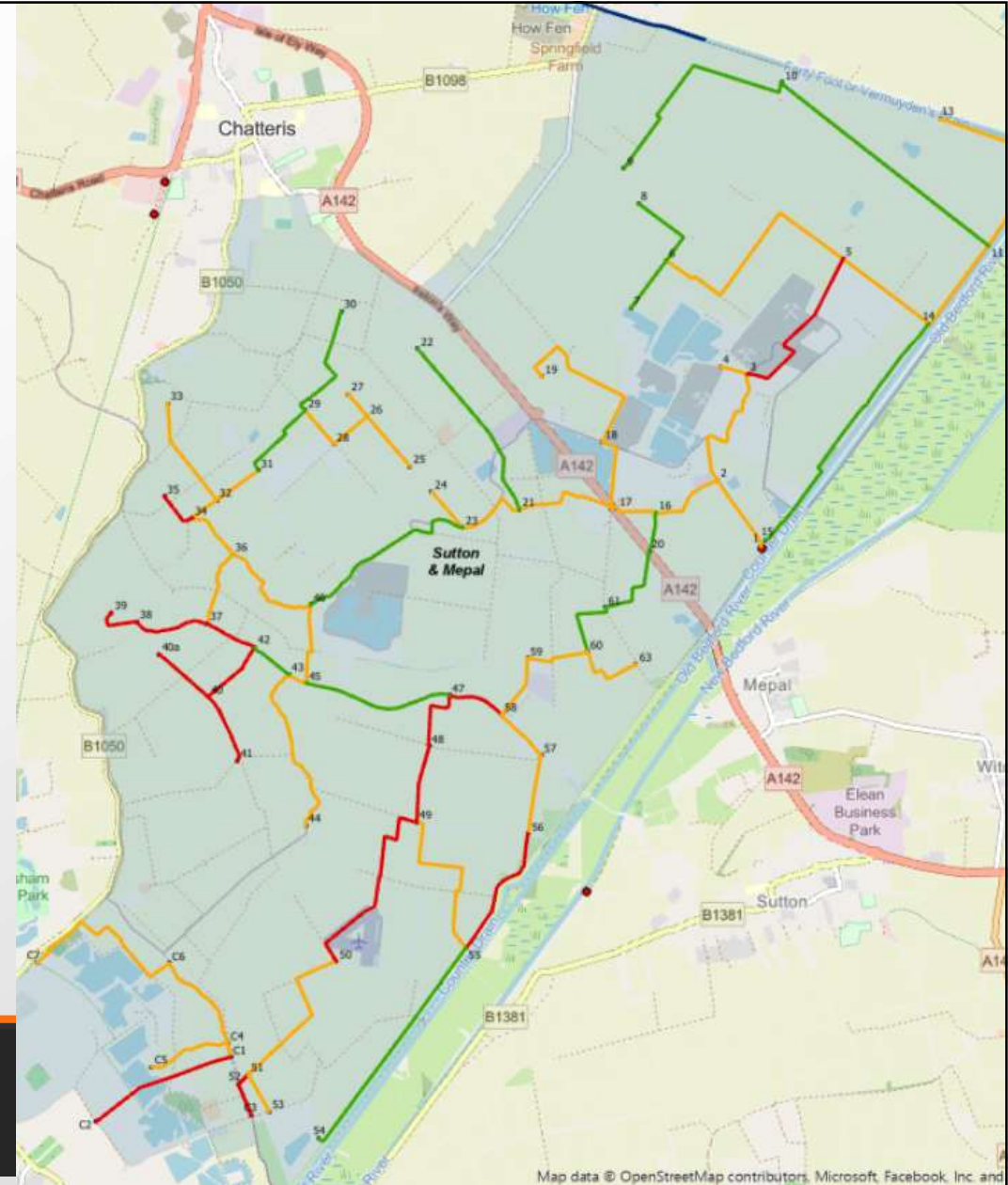
Categorise Channels by risk/importance

IDB channel categorisation by drainage value/seasonal flood risk	
Channel Categorisation	Justification:
High Risk (Category A)	Key to managing water levels across a wide local area in all seasons. Strong established need to maximise capacity and conveyance at all times. High level carriers and IDB main drains in more developed catchments with high residential, commercial and/or infrastructure risk. Complex interconnectivity with other channels. Normally at least annual bank and marginal vegetation cuts to allow for safety inspections & regular in-channel weed control.
Moderate Risk (Category B)	Important for managing seasonally high flows in less developed areas. Maintenance of in-stream, bank and marginal vegetation on a regular/rolling needs-basis to maintain required capacity and conveyance, and to allow for regular (but not necessarily annual) inspections to ensure good condition.
Low Risk (Category C)	Important for alleviation of seasonal waterlogging or agricultural drought in rural, less-developed areas, and to contribute to overall system capacity when needed. Vegetation managed occasionally if needed i.e. where it significantly impedes flow and capacity and for biodiversity value.



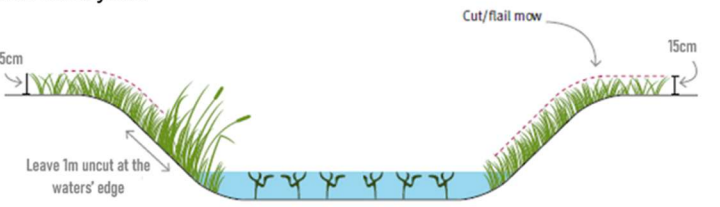
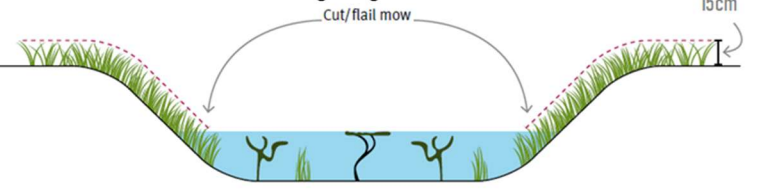
Map Channel Risk Categorisation

Use the system map



Management Approaches

Choose a management approach suitable to that risk category

FMc	Between mid-August – 1st March, cut one bank down to the waters' edge leaving at least 10-15cm veg' height. Leave other bank uncut. Alternate uncut bank each year. 	Channels which are moderately important for conveyance with a low to moderate established flood risk. Channels where desilting will follow shortly after flail mowing.	✓ Retains valuable marginal habitat on one side of the channel for refuge and foraging for a range of species. ✗ Limited winter refuge & vegetation diversity on opposite bank
FMd	Between mid-August – 1st March, cut one bank down to waters' edge leaving at least 10-15cm veg' height and cut the opposite bank down to 1m from the water's edge, leaving at least 15cm veg' height on the bank. Alternate the fully cut side each year. 	Channels which are important for conveyance with a moderate established flood risk.	✓ Retains valuable marginal habitat on one side of the channel for refuge and foraging for a range of species. ✗ Limited winter refuge & less vegetation diversity on opposite bank
FMe	Cut both banks down to waters' edge each year between mid-August – 1st March. Leave at least 10-15cm veg' height. 	Channels which are critical for conveyance and/or highest risk channels with established high flood risk, affecting more developed areas, in the wetter months. An alternative plan to reduce flood risk should be in development.	✓ Retains habitat during the bird nesting season ✗ No winter refuge for a wide range of species and less vegetation diversity



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Record Reasoning for Evidence

SOP5 – Channel Flood Risk Categorisation & Works Plan



**middle level
commissioners**

Year _____ IDB _____ Operation _____

Channel Point Ref	Category:	Reasoning:	Approach:	YR1	YR2	YR3	Notes & records:
Example (Flail mowing)							
1-7	High	Flashy from housing estate run-off at all times of year. Has been bank-full in winter events and some high rainfall events in summer. Need to get water through quickly so it doesn't back up and flood parking area.	<u>FMe</u>	Both	Both	Both	Cut before 15 th Sept for harvest fete.
8-14	Medium	Never overtopped but key to conveyance in winter through district. Wouldn't want to change anything that may slow things as upstream can get bank-full and floods Finch's yard.	<u>FMe</u>	RB	LB	RB	WV definitely present. Follow species compliance standards carefully.
25-37	Low	Pump drain so wide. Plenty of capacity and links to adjacent nature reserve. Keep costs down and cut alternate sides	<u>FMc</u>	LB	RB	LB	Just cut edges of bramble scrub at end of Jacksons field to keep it same size.



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Management Map

Update the system map



Benefits of Environmental Risk Management

- Manages environmental risk!
- Business continuity
- Could reduce costs
- Provides robust evidence that the IDB has not been:
reckless / intentional / negligent and has considered....
- Provides a benchmark to prove conservation & enhancement
- Demonstrates competence to potential investors / improves funding opportunities



MLC Service Package To Manage Env. Risk

Services Available:

General Ecological Consultancy

- Screening and assessment of non-routine works using the ESR (Environmental Screening Report) process.
- Ad-hoc advice and guidance.
- INNS identification and advice.
- Annual ditch survey & reporting

Environmental Compliance Health Checking

- BAP development, report & review for Board.

Planning Ecology Services

- Consent application review, advice & guidance

Keeping up-to-date

- Communication of relevant updates in policy, legislation, regulation and best practice.

Training

- Workforce & contractor training courses & materials



Thank-you.



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