

# WATER MANAGEMENT ALLIANCE

# ENVIRONMENTAL RESPONSIBILITIES

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## OPERATIONS

**Review Date: September 2023**

**To be reviewed every 5 years**

**Next Review Date: September 2028**

**Reviewed by: Each WMA Member Board**

### **Approved by:**

**Broads (2006) Internal Drainage Board**

**East Suffolk Water Management Board**

**King's Lynn Internal Drainage Board**

**Norfolk Rivers Internal Drainage Board**

**Pevensey and Cuckmere Water Level Management Board**

**South Holland Internal Drainage Board**

**Waveney, Lower Yare and Lothingland Internal Drainage Board**

Every Board has a legal duty to carry out work so as not to damage or recklessly endanger important species and habitat. This document sets out in detail the formal lines of accountability and environmental responsibilities within the organisation.

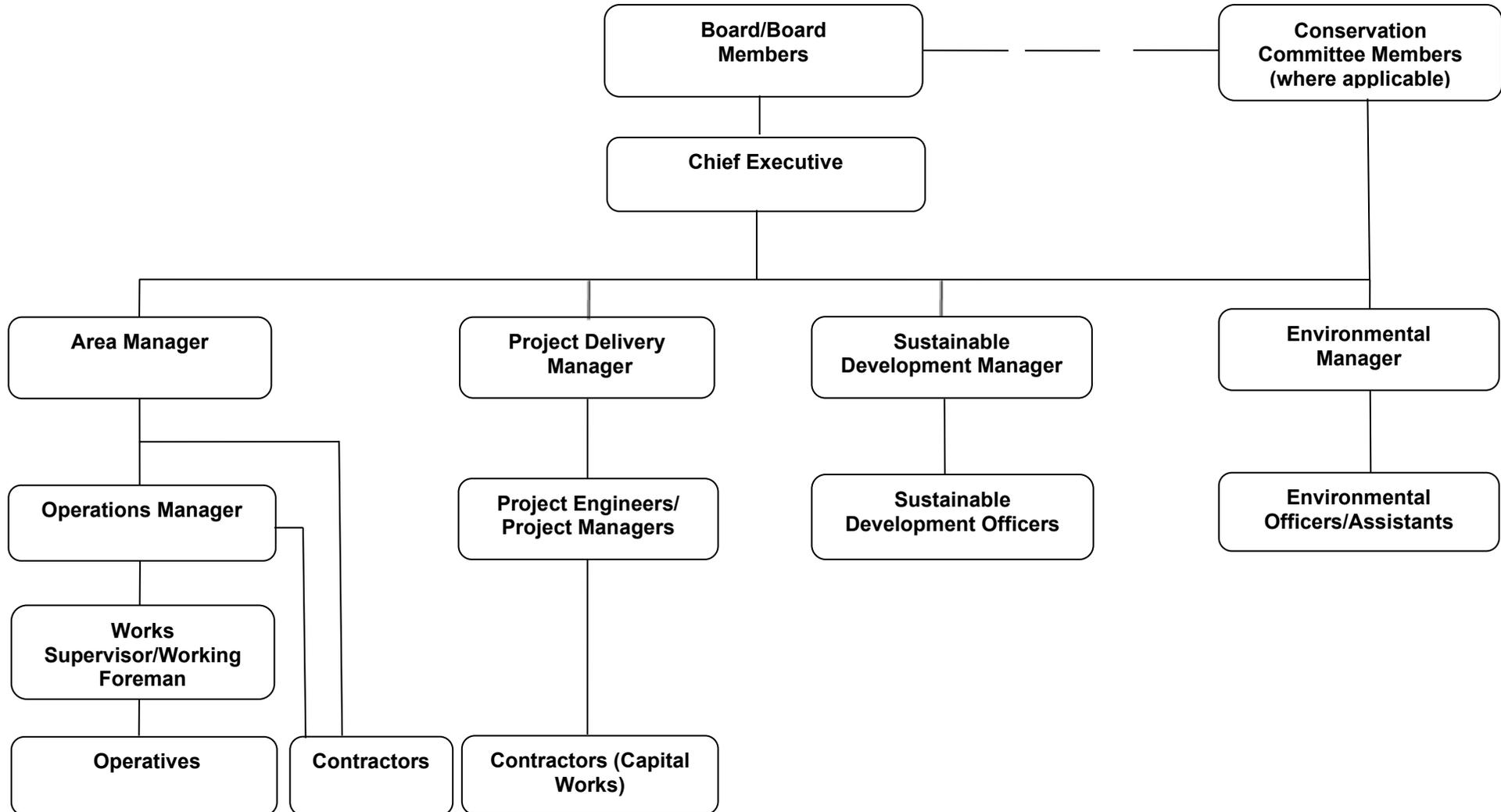
## Environmental Responsibilities

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## Environmental Responsibilities

### 1. ENVIRONMENTAL HIERARCHY AND RESPONSIBILITIES



## Environmental Responsibilities

### 2. THE BOARD'S ENVIRONMENTAL RESPONSIBILITIES

As a Statutory Risk Management Authority, the Board operates under the powers and duties set out in the Land Drainage Acts 1991 and 1994. As a Drainage Authority, the Board must comply with a number of national and international legislative duties, regarding the aquatic environment, biodiversity and wildlife sites within its Internal Drainage District. It should be noted that failure to comply with any of these statutory obligations has the potential to result in both personal and corporate liability being brought about to both individual Board Members and the Board, by the enforcement body. As a result, a Court may issue a fine dependent on the severity of the offence and insist on restorative works being carried out and paid for by the offender, including unlimited fines. Furthermore, some offences may attract a custodial sentence. More information can be accessed from the Association of Drainage Authorities Guide to Good Environmental Governance.

The Board recognises and accepts their responsibility toward environmental legislation and environmental matters within its Internal Drainage District, and will ensure that the following legislation is adhered to in relation to its statutory function as well as to ensure that arrangements are in place to satisfy the obligations that are applicable to the Board's operations and undertakings:

**Land Drainage Act 1991 (as amended in 1994)** – The 1994 Act amends the 1991 Act in relation to the functions of internal drainage boards and local authorities. These regulations principally govern the activities and responsibilities of IDB's and give them their powers to manage water levels and watercourses within their drainage districts. The act also places a duty on IDBs, in the course of carrying out their functions, to protect natural beauty, habitats and species, geology, cultural heritage, public access and amenity.

**Water Environment (Water Framework Directive) (2017)** – the act details the statutory duty to ensure that reasonable actions are taken to improve the physical and chemical nature of the waterbodies under their management, with the aim of achieving good ecological status or potential of surface waters by 2027. This can be achieved by putting in place environmental improvements or mitigation measures where applicable and undertaking sensitive management of watercourses.

**Conservation of Habitats and Species Regulations (2017)** - the act details the statutory duty on IDBs, when exercising any of functions, to have regard to this EC Habitats Directive which provides for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

**Wildlife and Countryside Act (1981) (as amended)** - the act details the statutory duty to protect native species (especially those at threat), control the release of non-native species and protect SSSIs.

**Countryside and Rights of Way Act (2000)** – this act amends the Wildlife and Countryside Act and details the duty for Statutory Authorities to be responsible for conservation and enhancement of SSSIs. It also enhances Natural England's enforcement power.

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**Natural Environment and Rural Communities Act (2006)** – Section 40 of the act details the statutory duty of a public body to have regard for the conservation of biodiversity through the exercising of its functions. The aim is to maintain and enhance the natural environment (Habitats and Species set down in Section 41 of the act when carrying out flood and coastal erosion risk management activities. This act is the driver behind the IDB Biodiversity Action Plan. Section 40 of this Act is amended by Section 102 of the Environment Act 2021.

**Flood and Water Management Act (2010)** – requires flood and coastal erosion risk management authorities (such as an IDB) to contribute towards the achievement of sustainable development when exercising their flood and coastal erosion risk management functions.

**Salmon and Freshwater Fisheries Act (1975)** - this act seeks to protect salmon and trout from commercial poaching, protects migration routes and spawning habitat of these and other freshwater fish, aims to prevent wilful vandalism and neglect of fisheries and seeks to ensure correct licensing and Environment Agency approval for fishing operations. Section 4 of the act is of relevance to IDBs to ensure that no liquid or solid which could be or injurious to fish, their eggs, fry or their spawning grounds. This needs to be considered when planning maintenance operations.

**The Eels (England and Wales) Regulations (2009)** - These regulations afford new powers to the Environment Agency to implement measures for the recovery of European eel stocks and have important implications for operators of abstractions and discharges. A duty is placed upon the operator to remove any obstructions to eel movement or to provide an artificial eel pass, and applies to the replacement of IDB pumping stations, and water control structures.

**Protection of Badgers Act (1992)** – Consolidates and improves previous legislation. It is an offence to kill, injure or take a badger, or to damage or interfere with a sett. Any potential impacts upon badger setts should be assessed during the planning of works.

**The Hedgerows Regulations (1997)** – Applies to hedgerows meeting certain criteria, such as relating to length, age, or surrounding land use. It prohibits the removal of any applicable hedgerow unless meeting certain permitted actions, or on approval of a hedgerow removal notice by the Local Planning Authority (LPA). However, work for the purpose of flood defence or land drainage in accordance with the Land Drainage Act is classed as “permitted work” and does not require approval by the LPA.

**The Environmental Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations (2017)** – Amends the earlier Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999. One of 22 UK EIA Regulations that implement the EU 2014 EIA Directive, this is the EIA Regulation most relevant to the water environment and IDB operations.

The EIA regs apply to improvement works meeting certain criteria on type and size as contained in schedules within the regulations. Projects within Schedule 1 will always require an EIA. Projects within Schedule 2 only require an EIA if they are likely to have a significant impact on the environment. The EIA process requires consultation and the formal assessment of these affects, drawing them together in an Environmental Statement.

Where the IDB considers that proposed improvement works are within Schedule 2 and are not likely to have significant effects on the environment, then they shall place a notice in at least two newspapers, providing details of the works, state that they do not intend to prepare an environmental statement, and give notice that any person who wishes to do so can make representations.

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**The Town and Country Planning (Environmental Impact Assessment) Regulations (2017)** - These regulations revoke and replace the previous EIA regulations and apply to development, which is given planning permission under Part III of the Town and Country Planning Act 1990. They can even apply to ‘permitted development’, but do not apply to development given consent under other regimes, which are subject to separate EIA regulations (e.g. The Environmental Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations 2017, see above).

**The Environmental Permitting (England and Wales) (Amendment) Regulations (2018)** – Amends the earlier Environmental Permitting (England and Wales) Regulations 2016 to ensure its function following Brexit. These regulations form a broad framework for environmental permitting and compliance, whilst providing a proportionate approach to the protection of human health and the environment. Notable for IDB operations is the need to obtain a permit, in certain circumstances, for operations relating to flood risk and waste.

**The Environment Act (2021)** -Strengthens the General Biodiversity Objective of public authorities, to conserve and enhance biodiversity. A public authority which has any functions exercisable in relation to England must, from time to time, consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective set out by Section 40 of the Natural Environment & Rural Communities (NERC) Act 2006, to require enhancement as well as conservation, of biodiversity through their functions. The act requires public authorities to actively carry out Strategic Assessments of the actions they can take to enhance and conserve biodiversity, and then take that action.

### The general responsibilities of the Board are to:

- Ensure adequate resources are provided to allow the organisation’s environmental obligations to be met.
- Ensure the Chief Executive (and others) take appropriate action when statutory and/or corporate environmental standards are breached.
- Consider environmental recommendations put forward by any of the Board’s Committees, the Environmental Team and/or Officers.
- Foster a positive ethos of environmental awareness and performance throughout the organisation.

### 3. BOARD’S CONSERVATION COMMITTEE ENVIRONMENTAL RESPONSIBILITIES (where applicable)

To consider in detail environmental matters where required and make recommendations to the full Board accordingly. Membership of the committee can include external specialists to offer advice.

### 4. CHIEF EXECUTIVE’S ENVIRONMENTAL RESPONSIBILITIES

In addition to the usual environmental responsibilities of an employee, the Chief Executive has the following additional duties:

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- Ensuring that the Board's Environmental responsibilities are fulfilled, both by their own actions and by delegating authority to the Environmental Manager and others in the organisation with Environmental responsibilities (see hierarchy).
- Ensuring those employees with delegated authority are competent to undertake the task.
- Understanding, promoting, and monitoring the effectiveness of the implementation of Environmental Policy, the Environmental Quality Management System, Environmental Risk Assessments, Biodiversity Action Plans, and the Standard Maintenance Operations Policy Documents.
- Taking appropriate action when statutory and/or corporate standards are breached.
- Being ultimately responsible to the Board for all Environmental matters within the organisation.

### 5. ENVIRONMENTAL MANAGER'S ENVIRONMENTAL RESPONSIBILITIES

The Board's Environmental Manager is responsible for providing professional environmental advice on environmental matters, as and when requested by the Board, Chief Executive, Area Manager or the Project Delivery Team. These duties will also include:

- Promoting a positive environmental ethos to other Managers, the Chief Executive, the Board, the Conservation Committee, Contractors and Operatives.
- Liaising with the Chief Executive and other Managers on all matters relating to the Board's Environmental obligations.
- Liaising with other Statutory Authorities in relation to maintenance, capital schemes, licencing, protected sites and species.
- Liaising with other Non-Governmental Organisations in relation to maintenance, capital schemes, protected sites and species.
- Consulting with the Board's Sustainable Development Manager (and Sustainable Development Officers as delegated by the Sustainable Development Manager) on environmental compliance relating to byelaw consenting and planning.
- Liaising and working with the Association of Drainage Authorities (ADA) on environmental matters.
- Organising Environmental training, when the need is identified within the workforce, in collaboration with the Area Manager, Operations Manager and the Environmental Officer.
- Liaising with Environmental Consultants, where necessary, (via the Project Delivery Team) on capital schemes with regard to surveys, reports, Biodiversity Net Gain, environmental risk assessments and method statements.
- Preparing Biodiversity Action Plans, Standard Maintenance Operations policy documents, environmental risk assessments and managing the ISO 14001 Quality Management System for maintenance, capital scheme delivery (if requested by the Project Delivery Team).

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- Preparing and presenting the Board's Environmental Report at Board meetings.
- Preparing and presenting the Board's Conservation Committee report (when required).
- Ensuring capital works are carried out so as to maintain or enhance the current biodiversity of an area and have regard to the enhancement of priority habitats and species, as and when requested by the Project Delivery Team.
- Ensuring environmental assessments and method statements are provided by contractors undertaking capital works or maintenance activities, and ensuring these are adhered to, as and when requested by the Project Delivery Team or the Area Manager.
- Managing environmental surveys for capital schemes as and when requested by the Project Delivery Team.
- Reporting any incidents of accidental environmental damage or near misses to the CEO, the Boards Conservation Committee and /or the full Board so that they can be recorded in case of any problems that may occur in the future as a result.
- Ensuring Protected Species surveys are recorded, any necessary mitigation measures are implemented, and permitry and licence applications/returns are made to the Statutory Authority for capital and maintenance schemes, as and when requested by the Project Delivery Team or the Area Manager.

### 6. AREA MANAGER AND OPERATIONS MANAGER'S ENVIRONMENTAL RESPONSIBILITIES

In addition to the usual environmental responsibilities of an employee, the Area Manager and Operations Manager have the following additional duties:

- Promoting a positive environmental ethos to other Managers, the Chief Executive, the Board, the Conservation Committee, Contractors and Operatives.
- Liaising with the Board's Environmental Manager (and Environmental Officers, where delegated) before carrying out maintenance works.
- Ensuring maintenance works are carried out as per the Board's Standard Maintenance Operations Policy Document and that all of the necessary permitry is in place before carrying out any direct works on the ground.
- Preparing environmental risk assessments in liaison with the Environmental Manager, where necessary, for maintenance works.
- Providing information for, and attending the Board's Conservation Committee meetings, where necessary.

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- Ensuring environmental assessments are provided, where necessary, by contractors undertaking maintenance works, and ensuring these are adhered to.
- Establishing an environmentally friendly culture within the workforce, both direct labour and external contractor.
- Addressing environmental concerns throughout all of the Board's operations and across all sites in collaboration with the Environmental Manager.
- Ensuring that environmental risk assessments are communicated and explained to the workforce and ensuring that these are complied with.
- Organising Environmental training, when the need is identified, within the workforce in collaboration with the Environmental Manager.
- Recording incidents of environmental damage, and near misses, and reporting these to the Environmental Manager at the earliest opportunity.
- Ensuring pre-works surveys are considered and adequate notice is provided to the Environmental Manager to ensure that these surveys are undertaken where appropriate, for protected species such as water vole, badger, otter, bats.
- Ensure any Protected Species mitigation measures are carried out as per the advice of the Environmental Manager.
- Report any incidents of accidental environmental damage or near misses to the Environmental Manager so that they can be recorded in case of any problems that may occur in the future as a result.

### 7. PROJECT DELIVERY MANAGER AND PROJECT MANAGER'S ENVIRONMENTAL RESPONSIBILITIES

In addition to the usual environmental responsibilities of an employee, the Project Delivery Manager and Project Engineers/Managers have the following additional duties:

- Promoting a positive environmental ethos to the Chief Executive, other Managers, the Board, the Conservation Committee, Contractors and Operatives.
- Liaising with the Board's Environmental Manager (and Environmental Officers, where delegated) on the environmental aspects of Capital Schemes.
- Whilst putting work out to tender, ensuring that the IDB's ISO 14001 Quality Management System and Sustainability Policy/Carbon Reduction Policy is considered in the tendering process.
- Whilst putting work out to tender ensuring that the Board's Environmental Statement is communicated to Contractors.

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- Preparing environmental risk assessments in liaison with the Environmental Manager for Capital Schemes and ensuring that all of the necessary permitry is in place before instigating or approving any direct works to be carried out on the ground.
- Ensuring environmental assessments are provided, where necessary, by contractors undertaking Capital Schemes, and ensuring that all of the necessary permitry is in place before instigating or approving any direct works to be carried out on the ground. Ensuring these are adhered to at all times.
- Establishing an environmentally friendly culture within the team and with external contractors.
- Addressing environmental concerns throughout any Capital Scheme in collaboration with the Environmental Manager.
- Ensuring that environmental risk assessments are communicated and explained to contractors and ensuring that these are complied with.
- Organising Environmental training, when the need is identified, within the workforce in collaboration with the Environmental Manager.
- Recording incidents of environmental damage, and near misses, and reporting these to the Environmental Manager at the earliest opportunity.
- Ensuring pre-works surveys are considered and adequate notice is provided to the Environment Manager to ensure that these surveys are undertaken where appropriate, for protected species such as water voles, badgers, otters, and bats.
- Ensuring any Protected Species mitigation measures are carried out as per the advice of the Environmental Manager.
- Reporting any incidents of accidental environmental damage or near misses to the Environmental Manager, so that they can be recorded in case of any problems that may occur in the future as a result.

### **8. SUSTAINABLE DEVELOPMENT MANAGER AND SUSTAINABLE DEVELOPMENT OFFICER'S ENVIRONMENTAL RESPONSIBILITIES**

In addition to the usual environmental responsibilities of an employee, the Sustainable Development Manager and Sustainable Development Officers have the following additional duties:

- Consulting with the Board's Environmental Manager (and Environmental Officers, where delegated) on environmental matters relating to byelaw consenting and when commenting on planning applications.
- Feeding environmental information relevant to the Internal Drainage District back to applicants, Local Planning Authorities (LPAs) and Lead Local Flood Authorities (LLFAs) as part of the planning and byelaw consenting process.
- Promoting a positive environmental ethos to applicants, developers, LPAs and LLFAs.

## Environmental Responsibilities

### 9. ENVIRONMENTAL OFFICER'S (AND ASSISTANTS) ENVIRONMENTAL RESPONSIBILITIES

The Board's Environmental Officers and Assistant Environmental Officers are responsible for supporting the Environmental Manager, Area Manager and Project Delivery Manager and to provide professional environmental advice on environmental matters for all functions and activities undertaken by the Board. These duties will also include:

- Promoting a positive environmental ethos to other Operatives and Contractors.
- Liaising with the Environmental Manager on all matters relating to the Board's Environmental obligations and statutory functions.
- Undertaking delegated environmental tasks and activities as requested by the Environmental Manager.
- Liaising with other Statutory Authorities in relation to maintenance, capital schemes, permitting, licencing, protected sites and species, as requested by the Environmental Manager.
- Liaising with other Non-Governmental Organisations in relation to maintenance, capital schemes, protected sites and species, as requested by the Environmental Manager.
- Organising Environmental training, when the need is identified, within the workforce in collaboration with the Area Manager, Operations Manager and Environmental Manager.
- Liaising with Environmental Consultants (via the Environmental Manager and the Project Delivery Team) where necessary, on capital schemes with regard to surveys, reports, Biodiversity Net Gain, environmental risk assessments and method statements, as requested by the Environmental Manager.
- Preparing Standard Maintenance Operations Policy Documents, environmental risk assessments and managing the ISO 14001 Quality Management System for maintenance, capital scheme delivery and Biodiversity Action Plans, as requested by the Environmental Manager.
- Undertaking Standard Maintenance Operations Policy Document Audits.
- Preparing the Board's Environmental Report for Board meetings in consultation with the Environmental Manager.
- Preparing the Board's Conservation Committee Report (when required) in consultation with the Environmental Manager.
- Undertaking environmental surveys for maintenance or capital schemes and creating reports on these to ensure environmental standards are being met.
- Undertaking regular environmental training and "Toolbox talks" with employees and contractors about various environmental risk assessments, and record that this has been done.

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- Providing the Environmental Manager with Protected Species surveys data and information on mitigation measures for licence returns made to the Statutory Authority, for, capital and maintenance schemes.

### 10. WORKS SUPERVISOR/WORKING FOREMAN'S ENVIRONMENTAL RESPONSIBILITIES

In addition to the usual environmental responsibilities of an employee, the Works Supervisor/Working Foreman has the following additional duties:

- Promoting a positive environmental ethos to all Operatives and Contractors.
- Assisting the Area Manager and Operations Manager in the implementation of their environmental duties.
- Ensuring all work under their supervision is undertaken in accordance with the Board's environmental risk assessments, Standard Maintenance Operations Policy Document and environmental policies.
- Reporting any incidents of accidental environmental damage or near misses to the Operations Manager, so that they can be recorded in case of any problems that may occur in the future as a result.

### 11. EMPLOYEES' AND CONTRACTORS' ENVIRONMENTAL RESPONSIBILITIES

It is the responsibility of all employees, whether they be directly employed or contracted, to co-operate in the implementation of the Board's Environmental arrangements. Employees and Contractors are therefore responsible for:

- Promoting a positive environmental ethos to other Operatives and Contractors.
- Reporting and documenting the location of protected species or non-native invasive species as specified by the Works Supervisor/Working Foremen, Operations Manager, Project Engineer/Manager or Environmental Manager.
- Working in a manner which, as far as is practicable, prevents environmental damage and where possible pays due regard to the maintenance and enhancement of biodiversity and conservation of the site.
- Always ensuring the work undertaken complies with the Board's Environmental Policies and/or the Standard Maintenance Operations Policy Document and Environmental Risk Assessments.
- If working on a site or in a situation where environmental damage is being caused, reporting this to the Works Supervisor/Working Foreman or Operations Manager, so that the site can be assessed by the Environmental Manager or Environmental Officers/Assistants.
- Reporting any incidents of accidental environmental damage or near misses to the Operations Manager or the Works Supervisor/Working Foreman, so that they can be recorded in case of any problems that may occur in the future as a result.