

East Suffolk Water Management Board: Iken Press Statement

Environment Agency v East Suffolk Water Management Board et al

Sentencing Hearing: 26 September 2025, Ipswich Crown Court

Presiding Judge: His Honour Martyn Levett DL



After 12 years since we were asked by the Environment Agency (EA) for help in responding to the tidal surge event and national flooding emergency in 2013 the EA has prosecuted East Suffolk Water Management Board (the Board) for not having the right permit before arranging with the EA and others to bring in clay to reinstate the Agency's Estuary River Walls. This was a community led project which the EA were themselves part of (please see the two photos above of the clay piles, which were taken recently). The Board is truly sorry for not having the right permit.

This Prosecution follows a long Investigation by the EA, which has taken them over 7 years to conclude and has today resulted in the Board being convicted for setting up and operating two illegal waste tips in the Alde Ore Estuary (clean clay piles, that were to be used as construction material for repairing breaches and reinstating the EA's Estuary River Wall Defences in the Iken flood cell). Having heard the full facts and mitigation, the Board was fined just £4,000 by the Court (almost the lowest amount possible under the guidelines) and ordered to pay £15,500 towards the EA's legal costs for not having the correct permit. No Remediation Order was made by the Court, which means that the material can stay where it is and remains ready for use.

In 2016 the Board had arranged with the EA and local partners to source and stockpile clay in the Alde Ore Estuary at no cost to the taxpayer, which was planned to be used for sealing breaches in the EA's Estuary River Wall Defences and ultimately for reinstating those Defences. This material has been categorised by the EA as 'fit for purpose', but the Board has not been able to retrospectively secure a bespoke Waste Licence from the EA to use the material for the purposes it was intended, despite several attempts to do so. The EA have also stated that they would prefer

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the material to stay where it is, so as not to cause any environmental upheaval. The material could only ever be used for the purpose it was intended or moved off-site with the right permit, which the EA would need to carefully consider, approve and issue beforehand, with remediation work likely.

Yet after over 7 years since the start of the EA's Investigation, the flood risk still remains to people, property, public infrastructure and wildlife, more so than ever. So much so that the EA themselves recognised this in 2022 and made available a grant of £11m to the Board, so the Board could start to prepare detailed plans to reinstate the same EA Defences in the Upper Alde Ore Estuary. This work has been done; however, the delivery phase of the project has not been able to start until this Waste Licence Investigation and Court Case had concluded, and due to the considerable time it takes to get all the necessary permitting in place from the EA.

Since 2022, costs have increased significantly, which has now made the project unaffordable for the Board to deliver without additional funding being made available. Had we have been able to start the works 7 years ago, reinstating the River Walls for the whole Estuary would have cost £20m to deliver. Today, the whole project has now been costed at £80m. The increase of £60m represents the real cost to UK plc of prosecuting this case and crucially the flood risk still remains.

The Board's Chief Executive, Phil Camamile said "it is clear that we made mistakes when responding to the EA's request for help in the aftermath of a national flooding emergency and in the confusion that followed, and we did not secure the correct Waste Licence from the EA before arranging with the EA and others to stockpile clay for use in reinstating the EA's Estuary River Wall Defences that protect the Board's District. For that we are sorry, and we have learnt from our mistakes. Procedures that were in place at the time have now been changed to ensure this could not be repeated."

The EA appears to have recognised this; with the Board and its other partners in the Water Management Alliance (WMA) having since delivered circa £60m worth of capital projects during the last 7 years of this investigation to replace many failing assets, which include Wolferton, Islington and most recently Norton pumping stations. These projects were all funded by the EA during the last 7 years of their Investigation and subsequent Prosecution, and were delivered on

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time and to budget, and crucially with the EA's full support. Looking forward, the EA have also approved a further £139m of grant funding for the WMA Member Boards, which is enabling the WMA group to deliver more capital improvement work for its Member Boards and for the EA itself.

Today, the Board's Chief Executive also said, "After over 7 years, both the Board and the EA can finally put this unfortunate episode behind them. The Board would like to thank their local partners and the WMA's staff for their forbearance and trust, and for the many messages of support we have received during what has been a very difficult time for everyone concerned. We look forward to continuing to work with our Flood Risk Management Authorities and our other local partners to promote sustainable outcomes in the wonderful areas and communities that we all live, work and collectively serve.

Sadly though, the Board's involvement with delivering this particular project must now come to an end, following recent confirmation from the EA that our attempt to secure a Flood Risk Activity Permit from them to start work in the Snape Maltings and Snape Village flood cells has not been successful (see attached) and that we are not able to use any of the previously approved £11m grant to finance this work without starting again and submitting a new Business Case and a new funding application, which, from previous experience with this project could take the EA years to determine. With most large or complex capital projects of this nature, time and the requirement to follow a perfect process and deliver a perfect solution is our greatest adversary, and delay, obfuscation and procrastination inevitably lead to an escalation in cost, which means that in reality most of these projects can never happen. 'Perfect is the enemy of the good'. Therefore, it must now fall to the EA and others to reinstate the EA's Defences in the Alde Ore Estuary."

26 September 2025

Dear Kari

02/09/2025

Application Reference: EPR/YB3252KP

Operator name: East Suffolk Water Management Board

Brief description of activity: Upper Alde & Ore Estuary Flood Alleviation Scheme

Thank you for your application received 10 June 2025.

We feel that at present, the information provided to support your application does not satisfy our requirements. We require the following information:

- We require confirmation on whether the environmental information submitted is up to date and represents the current scheme and not the scheme that achieved Outline Business Case (OBC) approval in January 2023. This is to ensure that the risk of environmental harm has not increased with any change in methodology, timings, locations of the works, materials and machinery used.
- It is unclear if a Habitats Regulation Assessment (HRA) has been undertaken and consequently, whether Natural England assent has been granted. We would need to see evidence of both of these documents. The access routes for the works cross over Snape Wetland, a compensatory habitat site made to compensate for the loss of Hen Reedbeds in the Shoreline Management Plan, which is designated as a Special Protection Area (SPA). The National Planning Policy Framework states that compensatory habitat must be designated the same as the original site it is compensating for, in this case, a SPA. We are concerned that this has not been considered so far, and we need to see this explicitly taken into account during screening for likely significant effect as part of the Habitats Regulations Assessment. We strongly advise you to avoid using these areas for access routes, as we are unlikely to approve the FRAP application if this is the case.
- We are concerned that the recommendations from the breeding bird survey have not been taken into account during planning of the works. The breeding birds report identified large numbers of Schedule 1 and Red Listed bird species and concluded that "any works between September and April are likely to cause significant disturbance to wintering waders and waterfowl", but the works programme suggests a commencement of works in September, against the advice given by the Ecological Clerk of Works (ECoW). We require a completed Environmental Action Plan (EAP) document with greater detail of mitigation measures for all protected and surveyed species, as well as clearer actions for dust suppression.

Currently, the EAP is a "live document", suggesting this may be open to change before the works start. We'd like to see the final, completed version of this including:

- i. An ecologist's report outlining results from the "world's first" translocation and subsequent monitoring of the narrow-mouthed whorl snail.
 - ii. All surveys mentioned in the EAP's that are being "updated" prior to works commencing on site such as the bat survey and aquatics and fish surveys to have greater confidence that these species will not be harmed.
 - iii. More detailed invasive species mitigations with all staff, hand tools and machinery/vehicles using Check Clean Dry guidance as per the Non-Native Species Secretariat.
 - iv. Removal of tall fescue from the grass seeding mix as this is known to outcompete wildflowers and other grass species.
 - v. Several of the ecological documents, mainly the 013 Upper A&O Estuary Works_2023 Surveys - Ecology Summary v1.2.pdf have "Error! Reference source not found" throughout. We would like to see evidence of the references used to provide this ecological information as it's unclear what is being referenced.
- We are concerned the proposed works will create disturbance of eels from estuarine habitats and disruption to transitional species – sea trout and smelt and any associated effects on their spawning migration. Please provide details on how you plan to mitigate against the risks from the proposed works to the features.
 - We require confirmation on whether a suitability assessment for Property Flood Resilience (PFR) measures has been undertaken on the properties that will experience increased and introduced flood risk. Please provide this information.
 - Property Flood Resilience (PFR) measures have an average design life of 20 years and therefore will need replacing and increasing ahead of 2050 to manage the increased flood risk as projected in the submitted documentation. Please provide information on the resource availability for the replacement PFR measures.
 - Please note that due to the Property Flood Resilience (PFR) requirements and public interest in this scheme, it is likely that once the outstanding information (detailed in this document) is received then it is likely that the FRAP will be put out to public consultation.

- We require a full modelling report and associated model. The file currently submitted and labelled as a modelling report is an explanatory note. This is admitted in section 8 of the document titled “008 Upper AO Estuary Embknt. Imp. Works FRAP Project Overview_v1.04”, which also states the full modelling report has not yet been received.
- This full report should provide information on:
 - i. the type of model
 - ii. the model’s assumptions/limitations
 - iii. return periods assessed
 - iv. climate change predictions
 - v. depth of flooding
 - vi. maps detailing flood outlines

We require this information so we can carry out a detailed assessment of the proposed activities and any impact to flood risk.

- We require full details of what is at elevated flood risk following completion of the proposed works. At present, details are only provided for the number of properties that will be impacted but no indication is given for the amount of farmland, transport network etc that will be impacted. This information is required and should be provided through mapping, as well as in writing.
- Please provide an updated method statement detailing which areas will be reprofiled and/or raised and how/when these works will be undertaken. The FRAP Project Overview document does not provide this information and nor does the CPP. This is required so we can understand the full extent and impact of the proposed activities.
- Please provide an updated risk assessment detailing:
 - i. when the works will be undertaken
 - ii. whether the effectiveness of the defences will be compromised for the duration of the works
 - iii. what (if any) mitigation measures will be in place to limit the impact on flood risk
- Following a detailed review of the drawings submitted with your application, we require this additional overarching information:
 - i. Drawing 1511 - West Side of the Bridge General Arrangement Plan – We need you to provide details of who will have ownership and maintenance responsibility for the trackway, crane pad as well as the new section and existing embankment, post construction. Please provide details of your maintenance plan.
 - ii. Drawing 1281 - Demountables and Alliance House Detailed Sections – we need you to provide details of who will have ownership and maintenance responsibility for the proposed demountable defences, post construction. Please provide details of your maintenance plan.

- iii. Drawing 2001 - Site Plan- we need you to provide details of who will have ownership and maintenance responsibility for the reconstructed embankment (EA asset ID: 86895) post construction. Please provide details of your maintenance plan.
 - iv. 2010 / 2015 General Arrangement Sheet 1 of 6 – we need you to provide details of who will have ownership and maintenance responsibility for the proposed new embankment to west of the road bridge (left bank), post construction. Please provide details of your maintenance plan.
 - v. 2014 General Arrangement Sheet 5 of 6 – we need you to provide details of who will have ownership and maintenance responsibility for the proposed new flood defence assets, post construction. Please provide details of your maintenance plan.
- Enclosed within this request for further information are 3 pdfs, titled:
 - 'East Side of the Bridge 1'
 - 'East Side of the Bridge 2'
 - 'West Side of the Bridge'

The pdfs have handwritten comments on them for you to review and consider. I have created a spreadsheet with 3 tabs which correspond to the 3 pdfs. For ease of access and use going forwards, I have listed all the documents on the spreadsheet so you can review and comment against each drawing. If you are unclear as to what information is required, please note this on the spreadsheet and we can investigate this for you and advise accordingly.

Next Steps

We require this information to be submitted by close of play 02 October 2025. We are allowing additional time for you to submit the requested information as we acknowledge we are requesting a considerable amount of information; however, I must state that this has been led by the poor-quality application that was submitted. If we don't receive all the requested information by 02 October 2025 we will return your application.

When we receive your response, we'll continue to check the details in your application. When we have all the information we need to begin determination, we say the application is 'duly made' and we'll confirm this.

Yours sincerely

Liz Newett
Permitting Officer
Integrated Permitting Service, National Permitting Service
Environment Agency