

# WMA EASTERN INTERNAL DRAINAGE BOARD

# ENVIRONMENTAL RESPONSIBILITIES

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## OPERATIONS

**WATER MANAGEMENT ALLIANCE**

**Review Date: January 2021 (to be reviewed every 5 years)**

**Next Review Date: January 2026**

**Version 1**

The Board has a legal duty to carry out its 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 the environmental responsibilities of the Board and every employee within the organisation.

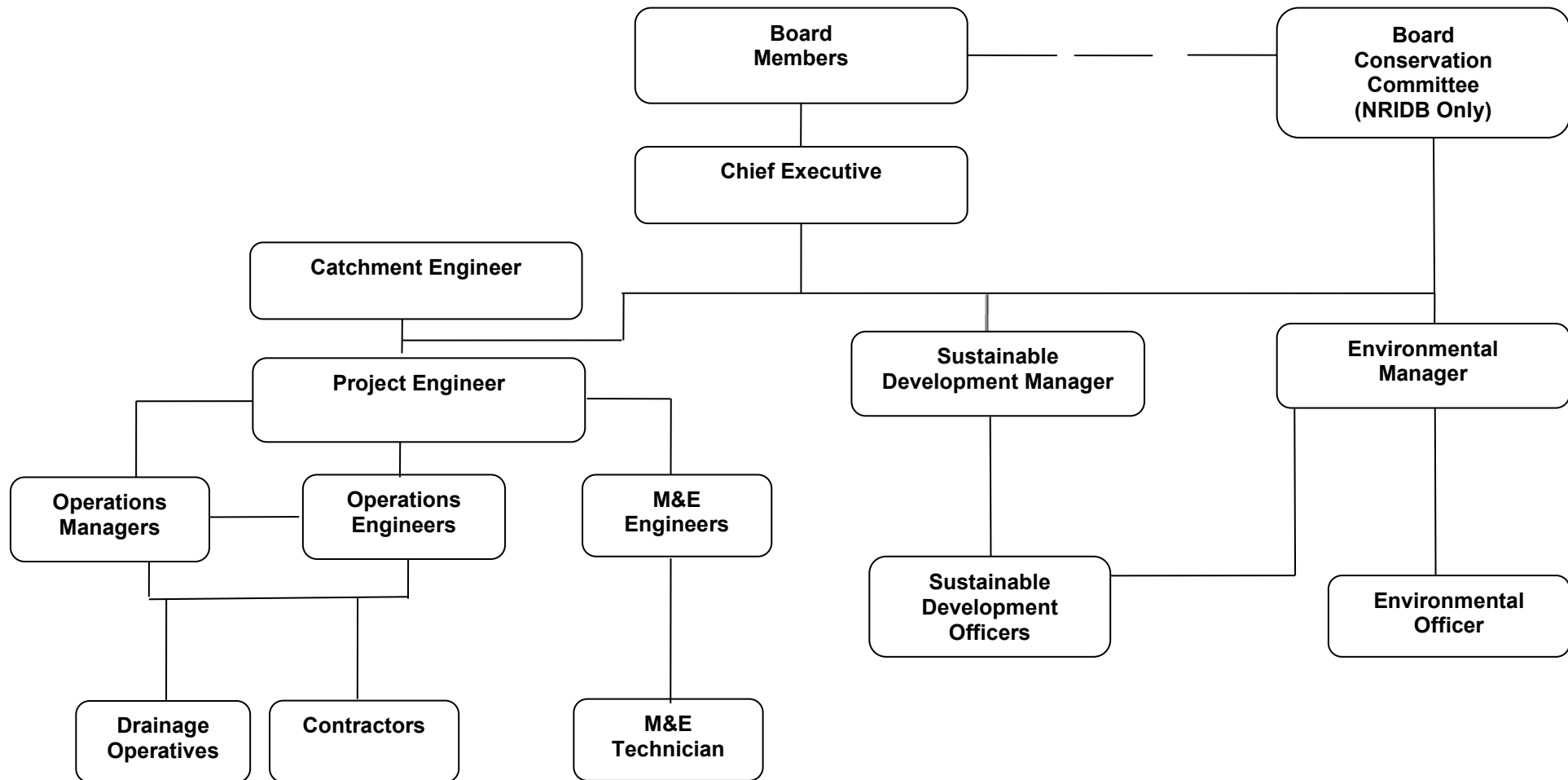
## Environmental Responsibilities

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## Environmental Responsibilities

### 1. ENVIRONMENTAL HIERARCHY AND RESPONSIBILITIES



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### 2. BOARD'S ENVIRONMENTAL RESPONSIBILITIES

As a Statutory Risk Management Authority, the IDB operates under the powers of the Land Drainage Act (1991). As a Drainage Authority it must comply with a number of national and international legislative duties, regarding the aquatic environment, biodiversity and wildlife sites within the 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.

The Board recognises and accepts their responsibility toward environmental legislation and environmental matters within the Boards 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, and 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 the IDB, in the exercise of any 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.

**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 functions. The

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aim is to maintain and enhance the natural environment (Habitats and Species set down in Section 41 of the act when carrying out flood risk management activities. This act is the driver behind the IDB Biodiversity Action Plan.

**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 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 during maintenance planning.

**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** – Amend 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 EIA if they are likely to have a significant effect on the environment. The EIA process require 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 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** – Amend 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 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, amongst other things, takes appropriate action when statutory and/or corporate environmental standards are breached.
- Consider environmental recommendations put forward by the Boards Conservation Committee, the Boards Environmental Team and Officers.
- Foster an ethos of environmental awareness throughout the organisation.

### 3. BOARD'S CONSERVATION COMMITTEE ENVIRONMENTAL RESPONSIBILITIES

To look in detail at environmental matters concerning the Board where required, and make recommendations to the Full Board, This committee can include external specialists to offer advice to officers and Board Members.

### 4. CHIEF EXECUTIVE'S ENVIRONMENTAL RESPONSIBILITIES

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

- Ensuring that the Board's Environmental responsibilities are fulfilled, both by his 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.

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- Understanding, promoting, and monitoring the effectiveness of the implementation of the Environmental Policy, the Environmental Quality Management System, Environmental Risk Assessments, the Standard Maintenance Operations Document.
- 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 employed to provide professional environmental advice on environmental matters and legislation for all functions and activities undertaken by the Board. These duties will also include:
- Promoting a positive environmental ethos to other Managers, the CEO, the Board, the Conservation Committee, Contractors and Operatives.
- Liaising with the Chief Executive and other Managers on all matters relating to the Boards Environmental Statutory function.
- 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 and Development Manager (and Sustainable and Development Officers as delegated by the Sustainable and Development Manager) on the environmental matters relating to byelaw consenting and planning.
- Liaise with the Association of Drainage Authorities on environmental matters.
- Organising Environmental training, when the need is identified, within the workforce in collaboration with the Operations Manager and the Environmental Officer.
- Liaising with Environmental Consultants, where necessary, (via the Project Managers) on capital schemes with regard to surveys, reports, Biodiversity Net Gain, environmental risk assessments and method statements.
- Preparing Standard Maintenance Operations documents, environmental risk assessments and managing the ISO 14001 Quality Management System for maintenance, capital scheme delivery and Biodiversity Action Plans.
- Preparing and presenting the Boards Environmental Report to the Full Board.
- Preparing and presenting the Board's Conservation Committee report (when required).

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- 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
- Ensuring environmental assessments and method statements are provided, where necessary, by contractors undertaking capital works or maintenance activities, and ensuring these are adhered to.
- Managing environmental surveys for capital and maintenance schemes
- Report 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.
- Ensure Protected Species surveys are recorded, any necessary mitigation measures implemented and licence returns made to the Statutory Authority for ,capital and maintenance schemes.

### 6. CATCHMENT AND PROJECT ENGINEER'S ENVIRONMENTAL RESPONSIBILITIES

In addition to the usual environmental responsibilities of an employee, the Catchment Engineer and Project Manager have the following additional duties:

- Promoting a positive environmental ethos to all other Managers, the Board, the Conservation Committee, Officers, M&E Technicians Contractors and Operatives and external contractors
- Liaising with the Board's Environmental Manager (and the Environmental Officer, where delegated) on the environmental aspects of Capital Schemes and maintenance schemes.
- Whilst putting work out to Tender, ensuring that the IDB's ISO 14001 Quality Management System and Sustainability Policy is considered in the tendering process.
- Whilst putting work out to Tender ensure that the Boards Environmental Statement is communicated to Contractors.
- Ensuring maintenance works are carried out as per the Boards Standard Maintenance Operations Document.
- Preparing environmental risk assessments in liaison with the Environmental Manager, where necessary, for Capital Schemes.
- Ensuring environmental assessments are provided, where necessary, by contractors undertaking Capital Schemes, and ensuring these are adhered to.
- 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.



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- 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 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.
- Preparing reports and presenting to the Board's Conservation Committee in conjunction with the Boards Environmental Manager, where necessary
- Addressing environmental aspects, including required surveys and protected species mitigation, throughout any capital scheme in collaboration with the Environmental Manager (and the Environmental Officer, where delegated).
- Providing information for, and attending the Board's Conservation Committee meetings, where necessary.
- Communicating with the Operations Engineers and Operations Managers and Environmental Manager (or Environmental Officer, as delegated) on any concerns regarding environmental aspects and matters.

### **7. OPERATIONS MANAGER AND OPERATIONS ENGINEER'S ENVIRONMENTAL RESPONSIBILITIES**

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

- Promoting a positive environmental ethos to other Managers, the CEO, the Board, the Conservation Committee, Mechanical/Electrical Engineers, Contractors and Operatives.
- Liaising with the Board's Environmental Manager (and the Environmental Officer, where delegated) on the environmental aspects of maintenance works.
- Ensuring maintenance works are carried out as per the Boards Standard Maintenance Operations Document.

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- 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.
- 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 Environment 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.

### 8. SUSTAINABLE DEVELOPMENT MANAGER ENVIRONMENTAL RESPONSIBILITIES

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

- Consulting with the Board's Environmental Manager (and the Environmental Officer, where delegated) on the environmental matters relating to byelaw consenting and planning.
- Feeding environmental information relevant to the IDD back to applicants and District Councils as part of the planning and byelaw consenting process.
- Promoting a positive environmental ethos to applicants, developers, and District Councils.

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### 9. SUSTAINABLE DEVELOPMENT OFFICERS ENVIRONMENTAL RESPONSIBILITIES

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

- Consulting with the Board's Sustainable Development Manager, the Environmental Manager (and the Environmental Officer, where delegated) on the environmental matters relating to byelaw consenting and planning.
- Feeding environmental information relevant to the IDD back to applicants and District Councils as part of the planning and byelaw consenting process.
- Promoting a positive environmental ethos to applicants, developers and District Councils.

### 10. ENVIRONMENTAL OFFICER'S ENVIRONMENTAL RESPONSIBILITIES

The Board's Environmental Officer is employed to support the Environmental Manager and to provide professional environmental advice on environmental matters and legislation 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 Boards Environmental Statutory function.
- Undertaking environmental tasks and activities as delegated from the Environmental Manager.
- Liaising with other Statutory Authorities in relation to maintenance, capital schemes, licencing, protected sites and species as delegated from the Environmental Manager
- Liaising with other Non-Governmental Organisations in relation to maintenance, capital schemes, protected sites and species as delegated from the Environmental Manager
- Organising Environmental training, when the need is identified, within the workforce in collaboration with the Operations Manager / Engineer and Environmental Manager.
- Liaising with Environmental Consultants (via the Environmental Manager, Operations Manager / Engineer and Catchment / Project Engineer) where necessary, on capital schemes with regard to surveys, reports, Biodiversity Net Gain, environmental risk assessments and method statements as delegated from the Environmental Manager.
- Preparing Standard Maintenance Operations documents, environmental risk assessments and managing the ISO 14001 Quality Management System for maintenance, capital scheme delivery and Biodiversity Action Plans as delegated from the Environmental Manager.

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- Undertaking Standard Maintenance Operations Document Audits.
- Preparing the Boards Environmental Report for the Full Board 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.
- Provide the Environment Manager with Protected Species surveys data and information on mitigation measures for licence returns made to be made to the Statutory Authority, for, capital and maintenance schemes.

### **11. EMPLOYEES', CONTRACTORS, OPERATIVES AND MECHANICAL/ELECTICAL ENGINEER'S ENVIRONMENTAL RESPONSIBILITIES**

It is the responsibility of all employees, whether they be direct labour or contract, to co-operate in the implementation of the Board's Environmental arrangements. Employees must therefore:

- 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 Operations Manager / Engineer, Catchment / Project Engineer 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 ensure the work you undertake complies with the Board's Environmental Policies and/or the Standard Maintenance Operations Document and Environmental Risk Assessments.
- If working on a site or in a situation where you feel unnecessary environmental damage is being caused, report this to the Operations Manager / Engineer or Catchment / Project Engineer so that the site can be assessed by the Environmental Manager or Environmental Officer.
- Report any incidents of accidental environmental damage or near misses to the Operations Manager or the Working Foreman, so that they can be recorded in case of any problems that may occur in the future as a result.

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- Never to undertake any operation or order in the field directly from a landowner, without first running the operation/scenario past the Operations Manager and the Environmental Manager (or Environmental Officer, as delegated)