



Land Drainage and Wildlife

Nature Conservation Responsibilities of Internal Drainage Boards



Early Marsh Orchid

Why Bother With Conservation?

In the past, Internal Drainage Boards have often been accused of damaging wildlife through their land drainage activities. Not all of this bad publicity is justified, but it is clear that land drainage, and management of drainage systems can have a serious impact on wildlife if not carried out sensitively.

The activities of IDBs *can* be compatible with conservation. It is a question of sensitive water level management and channel maintenance. We have the engineering expertise to ensure that farmers and land managers can all maintain suitable water levels on their land, while at the same time fully discharging our statutory duties to the environment.

Who Should Read This Information Sheet?

This information sheet is produced for members of Internal Drainage Boards, although they may be of use to others who have an interest in the management of the water environment.

This sheet aims to summarise the legal responsibilities that IDBs have regarding wildlife.

Legal Requirements

IDBs are not conservation organisations. Our first duty is to maintain appropriate water levels on the land of the people who pay drainage rates to the Boards. However there are a number of requirements set out in law that we must observe as we carry out our drainage works.

The following sections look at our legal obligations to conservation. It is the duty of every member of staff and of each Board member to ensure that these responsibilities are met. Having regard to nature conservation is not something we can ignore or do as an after thought. ***It is an essential element of our work.***

The Land Drainage Act

IDBs derive their powers from the Land Drainage Act 1991 (as amended by 1994 Act). Section 12 of this Act states that in discharging its functions with relation to Land Drainage, the Boards must '***further the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest.***' This relates to all our work whether inside or outside of designated wildlife sites. Section 13 goes on to set out the particular arrangements that must be made for work within legally protected sites such as Sites of Special Scientific Interest (SSSIs).

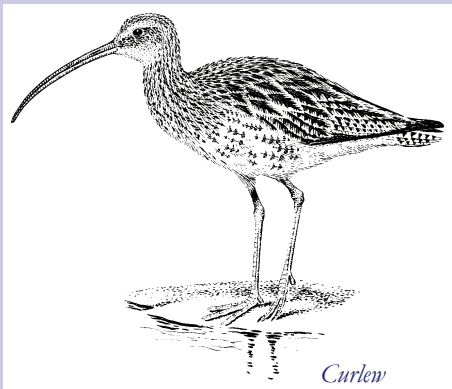


Line drawings reproduced courtesy of Natural England

The Habitats Directive

Some SSSIs are also Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). This means they are internationally important for the wildlife they support, and are protected under the powerful European Habitats Directive. This Directive obliges Member States such as the UK, to **designate and protect sites from any deterioration or disturbance** which would have significant effect on the nature conservation interest, and to **take steps to conserve that interest**.

IDBs are bound by a legal process to evaluate **any** works that are likely to have a significant impact upon any SAC or SPA. This subject will be explained in more detail in a later Information Sheet.



Penalties

Failure to observe these legal requirements could result in court action being taken against the Boards. In this instance, every Board member is personally liable for whatever action the courts take. In addition, bad press adds further ammunition to those who wish to see IDBs abolished.

The Biodiversity Process

Everyone is talking about Biodiversity. It refers to the variety of life on earth. Following the 'Earth Summit' at Rio de Janeiro in 1992 The UK Government signed a convention on Biodiversity which required all signatory countries to take steps to **halt and reverse** the decline of wildlife in their countries. A list of species at risk in the UK has been drawn up.

The Government has given its full backing to the Biodiversity Process, and has made it clear that all Statutory Bodies are expected to participate in implementing its plans.

Under the Natural Environment and Rural Communities Act 2006 (NERC), IDB's must:

- in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Biodiversity species with particular relevance to the work of IDBs include otters, water voles, great crested newts, various rare snails and the bittern. Habitats for which plans have been produced include fens, reedbed and coastal grazing marsh. Reversing the decline of this wildlife



IDBs have a responsibility to provide an appropriate standard of land drainage to their rate payers. In doing so there is a requirement to further nature conservation interests.

In most cases this can be achieved with little or no alteration to the Boards' current activities.

The Acronyms Box

SSSI	Site of Special Scientific Interest. A Nationally important site for wildlife
SAC	Special Area of Conservation. An Internationally Important site for Wildlife (general habitats and species)
SPA	Special Protection Area. An Internationally important site for wildlife (specifically birds)
Ramsar	A wetland of global importance
BAP	Biodiversity Action Plan
IDB	Internal Drainage Board

Produced on behalf of the Water Management Alliance.

Further information on how IDBs can help wildlife can be obtained from the Environmental Officer, Water Management Alliance, Kettlewell House, Austin Fields Industrial Estate, King's Lynn, PE30 1PH (01553) 819600 e-mail lou@wlma.org.uk