

CADEIRYDD/CHAIRMAN: MORGAN PARRY • PRIF WEITHREDWR/CHIEF EXECUTIVE: ROGER THOMAS

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Flood and Coastal Erosion Risk Management
Sustainable Places Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

30 August 2012

Dear Sir/Madam

WELSH GOVERNMENT CONSULTATION DOCUMENT – INTERNAL DRAINAGE DISTRICTS AND INTERNAL DRAINAGE BOARDS WHOLLY OR MAINLY IN WALES.

Thank you for providing a copy of the consultation document issued on 29th May.

We note that the Welsh Government is minded to adopt Option 3 (Delivery through the new single body for Natural Resource Management in Wales).

From 1st April 2013, CCW's current roles and responsibilities will be delivered via the new single body. Our response has therefore been limited to commenting on the kinds of criteria which we believe should form part of the assessment for each of the proposed IDB/IDD delivery options.

The full text of CCW's response is attached to this letter.

I hope that this response will prove helpful. If you wish to clarify any aspect of our submission, please do not hesitate to contact Brian Pawson on 01792 634967 or via b.pawson@ccw.gov.uk.

Yours faithfully



Dr David Parker
Director Evidence and Advice

Enc



Gofalu am natur Cymru - ar y tir ac yn y môr • Caring for our natural heritage - on land and in the sea

**CYNGOR CEFN GWLAD CYMRU
COUNTRYSIDE COUNCIL FOR WALES**

Welsh Government Consultation Document – Internal Drainage Districts and Internal Drainage Boards Wholly or Mainly in Wales – submission from the Countryside Council for Wales.

Thank you for consulting with the Countryside Council for Wales (CCW) on this issue. CCW champions the environment and landscapes of Wales and its coastal waters as sources of natural and cultural riches, as a foundation for economic and social activity and as a place for leisure and learning opportunities. We aim to make the environment a valued part of everyone's life in Wales.

Our response has been developed within the context of CCW's ongoing role in the delivery of the Welsh Government's ecosystem approach, "Living Wales" agenda. Since many of the current areas covered by IDB/IDD status are wholly or partly designated as Sites of Special Scientific Interest (with some these being of international importance, as reflected by their designation under the EU Habitats and Birds Directives) we regard the type of work currently being undertaken by IDB/IDD's as vitally important for the continued conservation of these sites.

CCW recognises that maintaining a water level regime for conservation purposes sometimes conflicts with the water level requirements of other land uses. When seeking to manage water levels, it is vital to avoid confusion and conflict between landowners and other land use interests, many of whom may have very different requirements. In particular, should individual landowners ever seek to implement their own water level management arrangements unilaterally, this could plainly have an adverse impact on any neighbouring landowners and adjacent land uses. As a result, it is very important that any organisation tasked with delivering the relevant duties and responsibilities in relation to water level management can command the necessary confidence from all interested parties.

CCW would like to see any Board, or any part of any new organisation charged in future with the responsibilities described above, being required to make use of the term "Water Level Management" in its title. Such phrasing would help to emphasise the fact that the relevant remit will cover numerous designated sites (SSSI, SAC and SPA) and that a responsible approach to balancing the necessary decisions on water levels will involve paying due regard to statutory duties in respect of nature conservation as well as to those relating to drainage.

Question 1

Which of the three Options for the future delivery of IDB functions in Wales do you support and why?

We note that the Welsh Government is minded to adopt Option 3 (Delivery through the new single body for Natural Resource Management in Wales).

From 1st April 2013, CCW's current roles and responsibilities will be delivered via the new single body. Our response has therefore been limited to commenting on the kinds of criteria which we believe should form part of the assessment for each of the proposed IDB/IDD delivery options.

Question 2

Are there any other relevant matters for the future delivery of IDB functions in Wales that you think the Welsh Government should consider?

The consultation document recognises that IDB's are long-standing public bodies with a requirement to supervise the management of water levels within their respective districts. As such they perform an important role in managing flood risk within these districts and beyond. For instance, the work of the Caldicot and Wentlooge IDB (CWIDB) makes a major contribution to reducing and managing flooding in the Gwent Levels; an area that lies below high mean water mark in the adjacent Severn Estuary.

The special interests of the suite of eight SSSIs covering most of the Gwent Levels are dependent on the ongoing management of the drainage system. This work includes the maintenance of the ditches themselves as well as the control of water levels. There are currently three types of management being carried out by the Environment Agency, CWIDB and the local land owners. The Environment Agency has responsibility for maintaining flood defences, the control of any discharges through these defences and the maintenance of approximately 40 miles of main ditches; whilst the CWIDB manages water levels and maintains about 80 miles of main ditches; and local landowners are responsible for maintaining the smaller field ditches. All three types of management are equally important for maintaining the Gwent Levels SSSIs in favourable condition. The risk that any one of these types of management could be adversely affected as part of a shift to a new organisational structure should be addressed when considering the most appropriate delivery option.

Whilst the land area managed by IDB's may be relatively small in the overall context of Wales, the management of water levels can often result in significant impacts outside of the areas within which such work is being carried out. As locally based organisations, IDB's and their staff have an inherent understanding of the areas they are working in, including a detailed knowledge of individual watercourses (extending to approximately 800 miles within the Gwent Levels alone) and individual land ownership arrangements. In many cases this knowledge has developed over generations. The risk that such a rich store of expertise could be lost as part of a shift to a new organisational structure is something that needs to be guarded against, regardless of which delivery option is selected.

The consultation document also recognises the importance of ensuring that current IDB functions are delivered consistently across all districts; meeting local needs whilst at the same time delivering against the Welsh Government's Living Wales agenda. On occasion, however, local needs and the wider requirements of the Living Wales agenda may come into conflict. Regardless of which delivery option is selected, it will therefore be necessary to design a structure capable of balancing all relevant interests and which can command the confidence of local landowners and residents whilst at the same time protecting the environment.

Various operations within areas of IDB jurisdiction currently require land drainage consent. IDB's are responsible for issuing consents for such works within a specified distance of any watercourse (e.g. 7 metres in the case of the CWIDB). Environment Agency consent or other authorisations such as planning permission may also be needed for these operations, but in the case of works that can affect the drainage system, the majority of authorisations are issued by the relevant IDB.

Where IDB authorisations are required for operations that could affect European protected sites such as Special Areas of Conservation (SAC) or Special Protection Areas (SPA), then IDBs are a 'competent authority' under the Conservation of Habitats and Species Regulations 2010 (as amended). As a result, IDB's are legally required to carry out a 'Habitat Regulatory Assessment' (HRA) of the proposals. Furthermore, where there could be a likely significant effect on a European site, IDB's are required to consult with CCW on the 'appropriate assessment' which they then have to undertake.

Similarly, where works requiring flood drainage consent could affect SSSIs, then IDB's are a Section 28G authority under the Wildlife and Countryside Act 1981 (as amended) and are once again required to consult with CCW. Such consultation is also required for any works that IDB's may carry out on the various ditches for which they are responsible. In addition, the Environment Agency must consult CCW on any authorisations they may issue as well as consulting on their own maintenance works.

In the event that IDB functions are transferred to the new Natural Resources Body for Wales, it will therefore be essential to ensure that clear and transparent consenting processes are put in place so as to ensure that all of the legal requirements covering both European and nationally important sites for nature conservation have been met.

Question 3

Do you have any further information or evidence which you feel the Welsh Government should consider in reaching their final decision on the future delivery of IDB functions in Wales?

CCW understands that a number of existing IDB's currently incorporate a separate not-for-profit contracting arm. These organisations may carry out work over and above IDB statutory requirements, with the resulting revenue deployed to defray the costs of other statutory functions.

Many farmers on Sites of Special Scientific Interest are required to carry out ditch clearance and other maintenance activities under CCW management agreements. In some cases, the farmers concerned may employ the local IDB contracting arm to carry out the necessary works. In the event that IDB functions are transferred to the new Natural Resources Body for Wales, this could result in a situation where management agreements were both negotiated and implemented by the same organisation. Whilst this kind of issue is not insurmountable (the necessary contracting work could presumably be carried out by the private sector should this not already be the case) there may well be additional cost implications to consider when establishing any new organisational structures.

Question 4

Are there any other matters that you would like to draw to the attention of the Welsh Government in relation to the delivery of IDB functions in Wales?

We note that the Environment Agency is separately considering the viability of a number of the Internal Drainage Districts (IDD's) under their administration. In the event that IDD designation is removed from some areas, CCW wishes to highlight that this will not necessarily deliver an improvement in environmental quality. In particular, many watercourses designated as SSSI's require regular management in order to sustain their special features. In such circumstances, it will be necessary to ensure that removal of IDD/IDB status does not result in inappropriate work being carried out and/or the abandonment of ditch maintenance and other necessary water level management practices.

The last review of those (IDDs) managed and serviced by the Environment Agency was carried out in August 2008. On that occasion, CCW drew particular attention to a large number of specific issues affecting statutory sites within eight separate IDD's across North and mid-Wales (see attached copy letter at Appendix 1). We trust that it will be possible to continue to take account of these issues within any new arrangements that may result from the current consultation, in particular with regard to ensuring the production and regular updating of water level management plans as well as the maintenance and/or creation of suitable forums for resolving ongoing issues in respect of water level management.

Countryside Council for Wales
August 2012

APPENDIX 1

CADEIRYDD/CHAIRMAN: JOHN LLOYD JONES OBE

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Rhanbarth y Gogledd / North Region

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CH7 1XP

Bryan Jones
Environment Agency
Parc Menai
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Gwynedd
LL57 4BP

22nd August 2008

Dear Bryan

Thank you for seeking the CCW's views on the Review of Internal Drainage Districts (IDDs) currently managed and serviced by the Environment Agency.

Since many of the current areas covered by IDD status are wholly or partly designated as Sites of Special Scientific Interest (SSSI) and some are also of international importance, reflected by their designation under the EU Habitats and Birds Directives, we regard the role and function of drainage boards as vitally important to the continued conservation management of these sites.

We recognise that maintaining a water level regime for conservation purposes sometimes conflicts with the water level requirements of other land uses, which is why we regard it as important that there should be an independent body tasked with complying with the relevant duties and responsibilities for water level management.

We set out below particular issues of management associated with each existing IDD site, but in summary, we would not be in favour of abolition of any Internal Drainage Districts. Abolition would in our view lead to confusion and conflict between landowners and land uses with different water level requirements. Individual landowners would seek to implement their own water level management arrangements, with a risk that this would impact on neighbouring landowners and uses.

Our favoured option would be to see the transfer of IDD management to a dedicated "Water Level Management Board" for North Wales, which would be established as a statutory body, equipped with statutory duties relating to all aspects of water level management in these areas, particularly duties relating to the Countryside and Rights of Way Act (2000), the Natural Environment and Rural Communities Act ((2006) Section 40) and where relevant, would also be a competent authority under the Conservation (Natural Habitats and C) Regulations 1994.

It may be appropriate that the new board sub-contracts responsibility for administration/engineering to the Caldicot and Wentlooge Internal Drainage Board (CWIDB), rather than the establishment of a brand new authority. We would particularly advise this as an option for the Borth and Tywyn (Dyfi) IDD, which will need a level of continuity to ensure delivery of water level management.

We would prefer to see any new body given the name of “Water Level Management Board” to reflect the fact that its area will cover many designated sites, and that balancing water levels, with regard to statutory duties for nature conservation, rather than drainage, will be the primary function of a new body.

CCW believes that a new Board would need to include engineering expertise (or have access to this expertise) in order to give informed advice and judgements on water level management proposals and to carry out or contract work on the ground. We believe that the Board would need to engage competent staff in order to deal effectively with the complexity of the task particularly in the Cors Fochno area. We understand that this arrangement works well with the Caldicot and Wentlooge IDB and management of Cors Fochno by CWIDB would be worth consideration. However, Cors Fochno has particular issues relating to its peatland character and this must also be addressed in the expertise available to the Board.

Specific issues for each designated sites covered by existing IDDs:

Borth and Tywyn IDDs

The Borth and Tywy (Dyfi) IDDs incorporates the following statutory sites: Dyfi Site of Special Scientific Interest, Cors Fochno SAC, Pen Llyn a'r Sarnau SAC, Dyfi SPA, Dyfi Ramsar. Sensitive habitats and species potentially affected by drainage on the North side of the Dyfi include raised bog transitions to saltmarsh, saltmarsh, coastal fen and breeding waders. The Cors Fochno SAC features (active raised bog and degraded raised bog capable of regeneration) are not in favourable condition. Low water levels on the bog are a major factor in this.

As one of the largest landowners within the Cors Fochno area, CCW is mindful of the financial contribution that it may be required to make to the administration and implementation of the new IDB structure and associated works. Whilst CCW would consider contributing to the funding of such a Board, the work of the Board would need to address conservation issues in the area. We would be keen to see the Board produce a Water Level Management Plan within the first year of being established to aid conservation management decisions across the entire IDD. CCW would also expect to have some representation on the Board.

We would wish to see the Board act as a forum where CCW and others could raise for discussion topics including; potential effects of sea level rises, research work on Cors Fochno, ecosystem goods and services (e.g. reduction of carbon emissions and increase in carbon sequestration from peat soils), and biodiversity gains (e.g. promotion of ecological connectivity, restoration of wetland habitats). We would encourage the Board to adopt solutions to management issues which are based in sound science and which are sustainable.

Dysynni IDD

Dysynni IDD does not seem to incorporate any designated sites but is adjacent to Broadwater SSSI and Pen Llyn a'r Sarnau SAC. Broadwater SSSI is impacted by the drainage scheme operating within the Dysynni IDD. The impacts which include river engineering to the estuary mouth, nutrient run off and siltation would need to be assessed.

Mawddach IDD

Mawddach IDD incorporates Aber Mawddach SSSI and Pen Llyn a'r Sarnau SAC. Sensitive habitats and species potentially affected by drainage include raised bog, coastal fen, saltmarsh and the transitions to other habitats and breeding waders.

Ardudwy IDD

Ardudwy IDD incorporates Morfa Dyffryn SSSI, Morfa Harlech and Morfa Dyffryn SAC and Pen Llyn a'r Sarnau SAC. Sensitive habitats and habitats potentially affected by drainage include dune slacks.

Harlech and Maentwrog IDD

Harlech and Maentwrog IDD incorporates Morfa Harlech SSSI, Morfa Harlech and Morfa Dyffryn SAC and Pen Llyn a'r Sarnau SAC. Sensitive habitats and species potentially affected by drainage include dune slacks, saltmarsh, water vole, otter and breeding waders.

Glaslyn Floodplain IDD

The Glaslyn floodplain extends from Porthmadog to the Aberglaslyn pass, near Beddgelert. Prior to the construction of the Porthmadog Cob in 1811, much of this area was estuarine in nature, but since impoundment the majority of the estuary has been reclaimed for agriculture. However, parts of the floodplain support semi-natural habitat and most of these have been notified as part of the Glaslyn SSSI.

Glaslyn SSSI is of special interest for floodplain grassland, brackish marsh, saltmarsh, riverine habitats and broadleaved woodland, particularly alluvial wet woodland, and for its vascular plant and breeding bird assemblages associated with these habitats. The SSSI is also of special interest for two nursery roosts of the lesser horseshoe bat *Rhinolophus hipposideros* and is one of the key areas for this species in Wales. Otters *Lutra lutra* and water vole *Arvicola terrestris* are also known to occur. Atlantic salmon *Salmo salar* and sewin *Salmo trutta trutta* use the river as a migration route to access their spawning grounds higher up the catchment. In recent years, the Glaslyn valley has supported a pair of breeding osprey *Pandion haliaetus*. The osprey breed outside the SSSI but use the Afon Glaslyn for feeding, particularly near the Cob.

The semi-natural habitats within the Glaslyn SSSI occur in close juxtaposition with intensively managed agricultural land on the floodplain. The conservation aims of the IDB should be to revert some of this improved land by expanding the brackish/estuarine (by allowing increased seawater incursion) and marshy grassland habitats, and linking the remaining fragments of alluvial wet woodland. Experience suggests that land purchase and agri-environment schemes may need to be regarded as a key element of any strategy to implement restoration schemes.

The Glaslyn floodplain offers the opportunity to expand the mosaic of semi-natural habitats that exist already by;

- Linking the fragments of alluvial woodland possibly creating one of the largest areas of alluvial woodland in Wales.
- Allowing increased seawater incursion to expand areas of brackish/estuarine marsh.
- Managing areas of agriculturally improved land for lapwing through a combination of water level management (especially in spring and early summer) and/or a reduction in fertiliser application.
- Restore areas of marshy grassland by water level management to attract breeding waders.
- Encourage the cultivation of cereal/root crops for breeding farmland birds.
- Maintaining areas of improved grassland for Whooper swans *Cygnus cygnus*.
- Ditch maintenance - ditch cleaning is essential for the maintenance of open water but the frequency and intensity of cleaning should permit regeneration of aquatic and emergent vegetation.
- Selected hedge management - ground nesting birds are very vulnerable to predation from corvids attracted by overgrown hedges.
- Maintain selected hedgerow corridors as flight paths for lesser horseshoe bats.

Control of introduced species: Invasive non-native aquatic plants threaten the biodiversity of the site. Water vole are threatened by mink.

Malltraeth Marsh IDD

Malltraeth Marsh is notified for the open water associated with the lowland grazing marsh ditch system and former river meanders with associated plants and animals and an assemblage of breeding birds of lowland damp grassland such as lapwing, curlew, redshank and snipe. In addition, it also qualifies as SSSI for Pillwort, Variable Dragonfly, the water beetle *Hydrochus brevis*, wintering shoveler, the assemblage of breeding birds of open water such as teal, gadwall, pochard and for water vole.

There are two management options for Malltraeth Marsh. They are the retention and enhancement of the current man-made grazing marsh system and also the restoration of the former estuarine environment of saltmarsh, natural grazing marshes and freshwater transitions

Both options have conservation value. Only the former will be considered further at this time, although CCW would not rule out major changes to the current system of floodbanks resulting in significant changes to the landscape and vegetation.

Under this grazing marsh option, the key issues are water levels both in the ditches (for obvious reasons) and in the wet meadows (especially in spring and early summer) for breeding and feeding birds. Ditch cleaning is essential for the maintenance of open water but the frequency and intensity of cleaning should permit regeneration of aquatic and emergent vegetation.

Llanwrst / Conwy IDD

The upper section of the tidal Afon Conwy incorporates the Morfa Uchaf Dyffryn Conwy SSSI. This SSSI is designated for its upper salt marsh communities. CCW currently Assent the Environment Agency to undertake vegetation clearance in ditches. Protected species such as otter are known to occur in the immediate vicinity, water vole may also occur in the area.

The bulk of the tidal Conwy is within the Aber Afon Conwy SSSI. This is predominantly designated for its range of intertidal 'biotopes', which are the habitats and species assemblages found across a transition of variable salinity throughout the estuary.

The Afon Ganol is not a designated site, but abuts the Aber Afon Conwy SSSI, and is known to support populations of breeding otter.

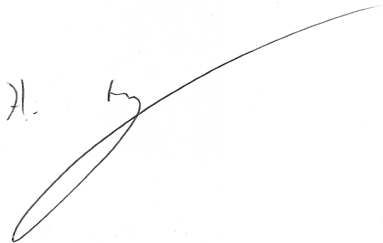
Although unlikely to be affected by drainage works, the Afon Conwy is thought to support populations of breeding smelt (*Osmerus eperlanus*), a species of fish rarely found in North Wales.

Any changes to the drainage regime near Morfa Uchaf Dyffryn Conwy SSSI may potentially affect the scientific features of the site, although opportunities to provide nature conservation gains in terms of supporting additional upper saltmarsh or grazing fresh water marsh plant communities could arise, through changes to drainage or flood storage capacity in the area.

Approved flood alleviation works between Llanwrst and Trefriw are soon to be undertaken. Mitigation for these works should ensure that features of the Mywngloddiau a Chreigiau Gwydyr / Gwydir Forest Mines SAC are unaffected, but any further changes to drainage must have due regard to the plant communities and bat habitat of this site.

Ground nesting birds are very vulnerable to predation from corvids on all of these sites, corvids are often attracted by overgrown hedges. Whilst invasive non-native aquatic plants threaten the biodiversity of the site, water vole are threatened by mink.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'H' followed by a long, sweeping horizontal line that curves upwards at the end.

**Specialist Support Team Manager
West Region**

**Regional Operations Coordinator
North Region**