

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF CABINET

Decision Made: 24 January 2024

River Medway Basin Task Force

Issue for Decision

To determine whether to setup a River Medway Basin Task Force.

Decision Made

That a Task Force not be setup, but to ensure Maidstone has active representation and input to the existing River Medway groups and strategies that operate to manage the river and its basin, and ask the relevant Head of Service that a log of these engagements be maintained and reported back in 12 months' time.

Reasons for Decision

At Housing Health and Environment Policy Advisory Committee on 7 September 2023 it was resolved that an officer report be presented (with the member agenda item request – see Appendix 1 to the report) directly to Cabinet providing costs and benefits of setting up and running a Rivers Task Force.

This would be known as the River Medway Basin Task Force and would drive improvements to the River Medway and its tributaries. It was anticipated that membership would comprise local landowners and their representatives, water companies, the Environment Agency, Kent Wildlife Trust, South East Rivers Trust and other key organisations under the chairmanship of the Leader of the Council.

The Housing Health and Environment Policy Advisory Committee report proposed the aims of the Medway River Basin Task Force would be to:

- Enable more naturally functioning river channels and floodplains that are resilient to climate change and can provide natural flood management, a healthy habitat, a secure, clean water supply, and an attractive, resilient landscape that supports sustainable agriculture and flourishing wildlife;
- Progress removal and/or bypassing of manmade barriers to ecological movement i.e. restoring the right to a natural flow, while ensuring that natural barriers are in place to provide a variety of flow and pooling;
- Set measurable targets and achieve continuous improvement across flow rates;
- Ensure that water quality is measured and improved year on year (e.g. mitigating current pathways for diffuse pollutants including agricultural and highway run-off);

- Provide direction on supportive and enforcement measures to those currently polluting the rivers;
- Enhance and recreate riparian habitats along the course of the rivers and its tributaries, including wet woodland, marsh and fen, wet heathland, flood meadow, ponds and ditches; and
- Restore, expand and reintroduce declining or lost riparian flora and fauna associated with the rivers.

Current Position

The aims listed at para.2.3 broadly relate to:

- Water and flood management
- Protecting and enhancing biodiversity

This report summarises just some of the organisations and existing work and strategies in place of a statutory and non-statutory nature concerning the River Medway.

Water and Flood Management

The Department for Environment, Food and Rural Affairs (Defra) is the policy lead for flood and coastal erosion risk management in England. New or revised policies are prepared with other parts of government, such as the Treasury, the Cabinet Office (for emergency response planning) and the Department for Levelling Up, Housing and Communities (for land-use planning policy). These national policies are then delivered by Risk Assessment Management Authorities (RMAs) which are:

- Environment Agency
- Lead Local Flood Authorities
- District and Borough Councils
- Coast protection authorities
- Water and sewerage companies
- Internal Drainage Boards (IDB)
- Highways authorities.

The Flood and Water Management Act 2010 requires these Risk Management Authorities to:

- co-operate with each other
- act in a manner that is consistent with the National Flood and Coastal

Erosion Risk Management Strategy for England and the local flood risk management strategies developed by Lead Local Flood Authorities

- exchange information.

The Environment Agency plays the key role and has statutory duties and powers in managing flood risk from main rivers, such as the River Medway. They carry out work to the river and issue consents for works on or near to the river.

Lead Local Flood Authorities (LLFAs)

LLFAs are county councils and unitary authorities and they lead in managing local flood risks (i.e flood risks from surface water, ground-water and ordinary (smaller) watercourses). This includes ensuring co-operation between the Risk Management Authorities in their area. Under the Flood and Water Management Act 2010, LLFAs are required to:

- prepare and maintain a strategy for local flood risk management in their areas, coordinating views and activity with other local bodies and communities through public consultation and scrutiny, and delivery planning. They must consult Risk Management Authorities and the public about their strategy;
- carry out works to manage local flood risks in their areas (the power for works in relation to minor watercourses sits with either the district council or unitary authorities outside of Internal Drainage Board areas);
- maintain a register of assets – these are physical features that have a significant effect on flooding in their area;
- investigate significant local flooding incidents and publish the results of such investigations;
- regulate ordinary watercourses (under the Land Drainage Act 1991 outside of internal drainage districts) to maintain a proper flow by:
 - issuing consents for altering, removing or replacing certain structures or features on ordinary watercourses; and
 - enforcing obligations to maintain flow in a watercourse and repair watercourses, bridges and other structures in a watercourse
- undertake a statutory consultee role providing technical advice on surface water drainage to local planning authorities major developments (10 dwellings or more)
- co-operate with other Risk Management Authorities
- play a lead role in emergency planning and recovery after a flood event. Local authorities are 'category one responders' under the Civil Contingencies Act and must have plans to respond to emergencies, and control or reduce the impact of an emergency.

LLFAs and the Environment Agency and all other Risk Management Authorities need to work closely together and ensure that the plans they are making both locally and nationally link up. An essential part of managing local flood risk is taking account of new development in land use plans and strategies.

By working in partnership with communities, LLFAs can raise awareness of flood and coastal erosion risks. Local flood action groups (and other organisations that represent those living and working in areas at risk of flooding) are useful channels for sharing information, guidance and support direct with the community. The National Flood Forum provide information on flood action groups.

LLFAs should encourage local communities to participate in local flood risk management. Depending on local circumstances, this could include developing and sharing good practice in risk management, training community volunteers so that they can raise awareness of flood risk in their community and helping the community to prepare flood action plans. LLFAs must also consult local communities about their local flood risk management strategy.

Internal Drainage Boards

Internal Drainage Boards (IDB) are a statutory body created to manage water levels in England where there is a special need for drainage. IDBs undertake works to reduce flood risk to people, property and infrastructure, and manage water levels for agricultural and environmental needs. The Upper Medway IDB is one of five IDBs in Kent. It consists of local landowners and councillors and works alongside the Environment Agency, water companies and local authorities to maintain the integrity of local waterways and land drainage of surrounding areas. Much of their work is the maintenance and improvement of water courses.

Under the Land Drainage Act 1991, each IDB exercises a general power of supervision over all matters relating to water level management within its district and can prohibit the obstruction of watercourses within their district. Thus, anyone constructing or altering a weir, bridge, embankment, culvert or similar obstruction must first seek the consent of the IDB before undertaking works. IDBs also set a series of bylaws relating to the management of watercourses and can designate key features and structures within their district which relate to managing flood risk.

IDBs also scrutinise new development in their drainage districts and input into the planning system to ensure developments suitably mitigate their environmental and flood risk impacts on the drainage network. IDBs can advise on planning applications, specifically the use of sustainable drainage systems (SuDS). For more information about the Upper Medway IDB go to <https://medwayidb.co.uk/>

District/Borough Councils

District and Borough Councils are Risk Management Authorities and key partners in planning local flood risk management. They:

- can carry out flood risk management works on minor watercourses outside of IDB areas (Note: The River Medway through Maidstone is part of the

Upper Medway Internal Drainage Board);

- work in partnership with LLFAs and other Risk Management Authorities to ensure risks are managed effectively, including in relation to taking decisions on development in their area i.e. Local Planning Authority.

The lead local flood authority for Kent is Kent County Council. Kent County Council is currently preparing a Kent Local Flood Risk Management Strategy 2024-2034.

Southern Water

Southern Water have a Drainage and Wastewater Management Plan (DWMP) for the Medway River Basin Catchment. It provides clarity for future investment decisions and includes objectives to :

- reduce spills from storm overflows
- separate or attenuate excess rainwater in sewer networks to reduce flood risk
- investigate potential impact of wastewater discharges on the Swale and Medway Estuary and Marshes and identify the requirements to achieve Nutrient Neutrality and Good Ecological Status / Potential
- plan for potential significant development
- improve resilience of networks and treatment works to prevent pollution incidents
- reduce risk of sewer blockages by increasing sewer jetting and targeting customer campaigns to reduce the amount of fats, oils and grease and unflushables in the sewer network
- reduce risk to groundwater by reducing leakage from sewers

Several plans inform the DWMP, including:

- River Basin Management Plans (RBMPs)
- Flood Risk Management Plans (FRMPs)
- Local Flood Risk Management Strategies
- Surface Water Management Plans
- Borough and District Local Plans
- Water Resource Management Plan (WRMP) and Drought Plan

Ofwat, the water regulator set the timetable for the preparation of the DWMP, which is used to inform the Southern Water Business Plan and submission to Ofwat for funding.

River Basin Management Plans and Biodiversity

The Environment Agency is required to prepare River Basin Management Plans. River basin management plans are a key mechanism for ensuring the achievement of the 25 Year Environment Plan goal of clean and plentiful water and thriving plants and wildlife. The river basin planning process involves setting environmental objectives for all groundwater and surface waters within the river basin district and devising programmes of measures to meet those objectives. They aim to align, co-ordinate and streamline plans and mechanisms to improve water quality and deliver multiple benefits, such as managing flood risk and enhancing biodiversity. Actions for biodiversity should take account of, for example Local Nature Recovery Strategies, Protected Site Strategies, and Species Conservation Strategies.

The current River Medway Basin Management Plan covers the period 2021 to 2027.

Kent Biodiversity Strategy (KBS)

The Kent Biodiversity Strategy 2020 to 2045 was approved by the Kent Nature Partnership in February 2020, following consultation and peer review. The partnership includes, for example councils, Defra, Kent Wildlife Trust and RSPB. One of the key aims is that:

By 2045 Kent has secured clean, plentiful and biologically diverse freshwater and intertidal ecosystems underpinned by implementation of a catchment-based approach.

One objective of the KBS is to:

Improve 375 km (15 km per year) of waters in Kent (rivers, lakes, canals, groundwater, transitional and coastal waters). The enhancements include work to improve ecological, chemical and/or physical quality, e.g. reducing pollution, restoring flows and improving habitat.

Medway Valley Countryside Partnership (MVCP) and Medway Catchment Partnership (MCP)

Since 1988, the MVCP have delivered conservation projects throughout the Medway catchment, with the aim of:

- Creating, sustaining and enhancing Kent's landscape and enabling its wildlife to develop
- Managing and supporting community-based environmental initiatives
- Developing and promoting lifelong outdoor learning
- Encouraging and enhancing greater access in the outdoors and the corresponding health benefits.

The MVCP are also members of the **Medway Catchment Partnership**, made up of individuals and representatives from organisations that have an interest in the health of the River Medway and its tributaries. The MCP vision is:

- To encourage and maintain healthy rivers, able to support characteristic environments, rich in habitat and biodiversity - with people at the heart of the catchment
- To maintain a clean and plentiful water supply and encourage resilience to flood and drought through supporting the natural processes that deliver sustainability.

The MCP aims are:

- The river should support a mosaic of habitats with high biodiversity value
- To have an appropriate self-sustaining fish population
- To restore the river to a more naturally functioning watercourse
- To improve water quality
- To develop sustainable water management within the catchment
- To have communities that enjoy, engage with and protect the river

Alternatives considered and why rejected

1. Set up A River Medway Basin Task Force

This was not selected as many organisations and bodies already exist, some of which are highlighted in the report, that promote and manage water issues, biodiversity and the river. Much of this is statutory or in response to the Environment Act, for example. These organisations and existing partnerships are best placed to continue to undertake and coordinate this work with regards to the River Medway basin.

To set up a separate new Task Force would have the potential of duplicating the existing work and groups.

2. Do nothing

This was not selected as the Cabinet considered the issue as one to be taken seriously and wanted updates in the future via keeping a log of engagements.

Background Papers

None.

I have read and approved the above decision for the reasons (including possible alternative options rejected) as set out above.



Signed: _____
Leader of the Council – Councillor David Burton

Full details of both the report for the decision taken above and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#)

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm on 2 February 2024**