

River Medway Basin Task Force

Timetable	
Meeting	Date
Cabinet	24 January 2024

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	CABINET
Lead Head of Service	Karen Britton, Head of Spatial Planning and Economic Development
Lead Officer and Report Author	Karen Britton, Head of Spatial Planning and Economic Development
Classification	Public
Wards affected	All

Executive Summary

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**)) directly to Cabinet providing costs and benefits of setting up and running a River Medway Basin Task Force.

This report sets out information to enable Cabinet to consider and make a decision on this matter.

Purpose of Report

To provide information to Cabinet about the costs and benefits of setting up a River Medway Basin Task Force so that Cabinet can decide if they want to set up a Task Force

This report makes the following recommendation to the Cabinet

1. Do not set up a Task Force, but ensure Maidstone has active representation and input to the existing River Medway groups and strategies that operate to manage the river and its basin.

River Medway Basin Task Force

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>• Accepting the recommendations will improve the Council's ability to achieve all of the Council's corporate objectives listed above.</p>	Head of Spatial Planning and Economic Development
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievements of the cross-cutting objectives by in particular respecting environmental sustainability, biodiversity and improving health</p>	Head of Spatial Planning and Economic Development
Risk Management	None	Head of Spatial Planning and Economic Development
Financial	Establishing a new Task Force would have financial and resource implications. Existing staff resources could be used to lead the task force. Any potential projects are currently unfunded and would need to be considered as	Head of Finance

	part of the budget process to agree funding.	
Staffing	Setting up a Task Force would have staff implications.	Head of Spatial Planning and Economic Development
Legal	Acting on the recommendations will assist the Council in carrying out functions under the Flood and Water management Act 2010.	Legal Team
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Information Governance Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities & Communities Officer
Public Health	We recognise that the recommendations may have a positive impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	There are no implications to Crime and Disorder	Head of Spatial Planning and Economic Development
Procurement	Not applicable	Head of Service & Section 151 Officer
Biodiversity and Climate Change	<p>The implications of this report on biodiversity and climate change have been considered and aligns with actions Adapting to climate change:</p> <p style="padding-left: 40px;">Action 5.3 Conduct Borough Climate Impact Assessment and</p> <p style="padding-left: 40px;">identify natural flood management (nature-based solutions and sustainable urban drainage), and</p> <p style="padding-left: 40px;">Action 6.4 Enhance and expand wetland coverage across the Borough to support nutrient neutrality, flood prevention, and enhance biodiversity.</p> <p>of the Biodiversity and Climate Change Action Plan.</p>	Biodiversity and Climate Change Officer

2. INTRODUCTION

- 2.1 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)) directly to Cabinet providing costs and benefits of setting up and running a Rivers Task Force.
- 2.2 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.
- 2.3 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
 - Restore, expand and reintroduce declining or lost riparian flora and fauna associated with the rivers

3. Current Position

- 3.1 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

3.2 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.

3.3 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.

3.4 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)

3.5 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.

3.6 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.

3.7 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.

3.8 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

3.9 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.

- 3.10 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.
- 3.11 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

- 3.12 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.
- 3.13 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

- 3.14 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

3.15 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

3.16 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

3.17 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.

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

Kent Biodiversity Strategy (KBS)

3.19 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)

3.20 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.

3.21 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

4. AVAILABLE OPTIONS

Option 1 – Set up A River Medway Basin Task Force

4.1 The River Medway flows for circa.70 miles through Sussex and Kent, passing through the borough of Maidstone on its way to the Thames Estuary. It is an important landmark, natural resource, economic and recreational area for Kent steeped in history and Maidstone owes much of its prosperity over the centuries to the river.

4.2 Many organisations and bodies already exist, some of which are highlighted in this 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.

- 4.3 To set up a separate new Task Force would have the potential of duplicating the existing work and groups.
 - 4.5 **Option 2 – Do not set up a Task Force, but ensure Maidstone has active representation and input to the existing River Medway groups and their associated strategies and work programmes.**
 - 4.6 The advantage of this option is that it utilises existing organisations and taps into existing work programmes, many of which are statutory. It avoids any potential for duplication of work and maximises the council's input to working with existing organisations, partnerships and groups that manage this work.
 - 4.7 Should there be any issues that existing groups do not sufficiently focus on then the council can raise these with the relevant organisation.
 - 4.8 **Option 3 - Do nothing**
 - 4.9 The advantage of this is that we leave other organisations and groups to undertake this area of work, some of whom have statutory duties concerning the River Medway. Existing organisations also have greater technical expertise and are therefore best placed to manage these issues.
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5. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 5.1 Option 2 is recommended as many organisations and groups already exist, which focus on these issues, some of which have statutory duties to undertake this work and with their technical expertise, they are best placed to continue this work. However, the council can ensure it has active representation and input to these.
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6. RISK

- 6.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

7. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 7.1 N/A – forms part of report
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8. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 8.1 If Option 2 is agreed then an exercise will be undertaken to ensure the council is appropriately represented on relevant existing groups.

9. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Member agenda item request

10. BACKGROUND PAPERS

Minutes of the meeting of the Council held on 19 April 2023

Minutes of the meeting of the Council held on 19 July 2023

Housing Health and Environment Policy Advisory Committee 7 Sept.2023 Agenda Item 11 (Appendix 1)

Overview and Scrutiny Committee 19 September 2023