



Flood and Water Management Bill Team,  
Department for Environment, Food and Rural Affairs,  
Area 2C Ergon House,  
London,  
SW1P 2AL.

13/07/2009

Dear Flood and Water Management Bill Team,

### **The Draft Flood and Water Management Bill**

This response to the consultation on the 'Draft Flood and Water Management Bill' is on behalf of the Salmon and Trout Association and Atlantic Salmon Trust.

The Salmon & Trout Association (S&TA), which was awarded charitable status due to our work concerning fish stock management and aquatic conservation, has over 100,000 individual and club members. We represent the public interest over issues relevant to the management and conservation of fish, water, the aquatic environment and all its dependent species.

Established in 1967, the Atlantic Salmon Trust (AST) is a UK-wide organisation which champions the wild salmon and sea trout. It does not represent any other interests or body, only the fish themselves. It:

- a. Works for the conservation and improvement of wild salmon and sea trout stocks to a level which allows sustainable exploitation.
- b. Conducts and supports marine and freshwater research.
- c. Gives practical advice on the management of fisheries and rivers.
- d. Gives independent research based advice to governments, international and national authorities and to commercial enterprises.
- e. Coordinates activities with other conservation, environmental, fishery, heritage and wildlife agencies and organisations.
- f. Holds and supports seminars and workshops to investigate specific issues.
- g. Publishes high quality reports and booklets to inform and educate the public.

We strongly support the concept of retaining water on floodplains and wetlands to reduce urban flooding, whilst improving water quality and quantity, and creating vital wildlife habitat. Wetland creation not only provides primary flood defence by increasing flood storage capacity and evening out flow regimes, but wetlands also have the ability to deliver a wide range of other key functions, including nutrient and carbon storage, soil stabilisation, and improving biodiversity and water quality.

Fishmongers' Hall, London Bridge, London EC4R 9EL

T: 020 7283 5838 | F: 020 7626 5137 | E: [hq@salmon-trout.org](mailto:hq@salmon-trout.org) | W: [www.salmon-trout.org](http://www.salmon-trout.org)

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We feel soft engineering options, such as wetlands, should be used wherever possible to reduce the risk from extreme flooding, whilst offering a multitude of other environmental benefits. We therefore welcome the proposal to impose conditions on flood risk management consents to take greater account of environmental impacts, and work with natural environmental processes. It is imperative that river and floodplain connectivity is restored, not only to help manage flood risk, but also in order to deliver the objectives of the Water Framework Directive (WFD).

We would however like to see more emphasis in the consultation paper on the need to manage water resources to protect the environment and biodiversity. If the predictions are right, and river flows in late summer and early autumn significantly reduce, it will be essential that everything possible is done to maintain these flows, at a time of the year when usage is likely to peak. The system will need to be designed to achieve this. Water resources are already under severe pressure in parts of the UK, in particular the South-East, and population increases and climate change will make things worse. The key change needed is a reduction in water usage per capita. The draft Bill provides an important opportunity to give the Government powers to help reduce water usage, such as requiring the installation of universal metering, time limited abstraction etc. We feel the Government should be more ambitious in the water management part of this draft Bill. It should certainly include recommendations on water efficiency that emerge from the Walker review, but should not be limited by these alone. We strongly support the new proposals to increase the range of non-essential uses that Water Companies can ban in droughts. We commend all efforts to reduce consumption and support the principle of Ofwats water efficiency targets – although we do not feel the current target for a reduction in use of 1 litre per day per household over each year is ambitious enough.

Environmental permitting programme seems beneficial; abstractions and effluent discharges have a combined effect on river ecology so it seems logical to consider a permitting programme that considers both together. However with much of the detail is lacking in the current consultation document further comments are not possible.

We welcome proposals to formalise the process of SUDS design, adoption and funding. We believe greater thought should be given to creating incentives for the retrofitting of SUDS into existing developments.

We support the response from Wildlife and Countryside LINK Blueprint for Water coalition but would like to reiterate a few key points from fisheries perspective;

**Q9. Are you content that the draft Bill should enable a wider range of approaches to managing flood and coastal erosion risk than is currently allowed under existing legislation, such as resilience, and that it should be sufficiently flexible to accommodate new approaches may be developed in future?**

Yes, but we feel the package should set out clear duties to consider a broad suite of structural and non-structural approaches to risk management, taking into account the environmental benefits in the appraisals process.

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**Q10. Does the approach in the draft Bill to flood and coastal erosion risk management adequately cover adaptation?**

No – we feel the draft Bill should explicitly make provisions to adapt to climate change, and its integration with the Climate Change Act 2008. Measures are needed that increase resilience of the environment (and the infrastructure on which we all rely) to climate change.

**Q11. Does the proposed approach to flood and erosion risk management:**

- **facilitate and encourage authorities to make effective links between land management and flooding and erosion?**

We are sceptical that the provisions set out in the draft Bill would lead to significant new action to reduce flooding and erosion risk that results from poor land management practice.

Poor land management practises (including poor cultivation techniques, pasture management, agricultural drainage and forestry practises) are all known to affect the rate and speed of water reaching our rivers. Poor land management can lead to surface soil layers becoming compacted and, therefore, impermeable to rain, even when there is a substantial soil moisture deficit. Good soil management can significantly increase the volume of rain water being absorbed into the soil, thus reducing both the speed and the volume of run-off.

We would like to reiterate our request to see more emphasis on the need to manage water resources to protect the environment and biodiversity. Land managements practises must be addressed in order to reduce diffuse pollution, such as excess fine sediments, nutrients, and pesticides, reaching our watercourses.

**Q12. Are there any approaches to flood and coastal erosion risk management that should be adopted but which the draft Bill would not allow?**

We believe the Bill should place clear duties on engineers and planners to consider a range of options. We feel the necessary provisions are mentioned in the draft Bill; however we are concerned the permissive nature of the provisions may mean there will be no active uptake by engineers and planners to consider integrated and more sustainable flood management schemes.

**Q13. Should all operating authorities be required to contribute to sustainable development objectives when carrying out flood and coastal erosion risk management?**

Yes – It is vital that all Statutory Operating authorities are required to contribute to sustainable development.

**Q18. Do you think that the EA should be required to consult as part of preparing or publishing its strategy?**

Yes, we feel it is vital that the public are consulted, not only as a matter of good practice, but also in order to deliver the requirements of the EU Floods Directive.

**Q24. The Government's response to Sir Michael Pitt's Review accepted that county and unitary local authorities should have the 'local leadership' role described above. Does the draft Bill implement this effectively and support the development of effective local flood management partnerships?**

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We remain sceptical as to whether County/Unitary Authorities have the expertise or resources to take on a local leadership role. Significant new resources will need to be put into local authority flood and coastal management to improve expertise if this were to go ahead.

**Q36. Should any sea flooding works that a local authority wants to undertake require the consent of the EA?**

Yes, it is imperative that the EA are given powers to regulate sea flooding works, to ensure compliance with the aims and objectives of the EU Water Framework Directive.

**Q43. Are there particular issues which must be addressed in the standards to make them effective, that have not been mentioned?**

Yes, we believe the standards should consider the broadest range of amenity, habitat enhancement and landscape benefits that SUDS can deliver, and should require developers to include softer-engineering options and environmental enhancement as a default.

**Q73. Do you agree that the duty to act in accordance with WFD requirements should apply equally to all FCERM authorities?**

We strongly support the stated intention to ensure that all FCERM operational and consenting activities are consistent with the requirements of the WFD. But feel the wording of Clause 15 should be strengthened to reflect the legal obligation to prevent deterioration.

**Q81. Views are sought on whether the minimum volume figure should be 5,000 or 10,000 cubic metres, or another figure.**

We believe 10,000 cubic metres would be adequate.

**Q108. Do you agree that there is a case to retain powers for the EA to levy (a) general drainage charges, and for IDBs to retain similar powers to levy (b) agricultural drainage rates in England and Wales?**

We agree that the EA and IDBs must retain levy rights over farmers as their drainage must be regulated in quantity and quality to mitigate flood prospects and nutrient and pollution emissions.

**Q115. What additional steps or measures could be taken to make sure developers in England and Wales contribute towards the pressures new developments place on future local and central government budgets?**

Developers need adhere to EA advice not only on where to build to avoid flooding but also on how to develop permeable driveways and gardens that allow for water infiltration. Secondly, the government must ensure that the developers take into account the capacity of local drainage and sewage systems, as to not overload the capabilities of the system. Ultimately developers must ensure that local ecosystems up or down stream can maintain their natural flood patterns without impinging on development safety.

**Q116. How can people be made aware of their riparian responsibilities when they first buy properties that include riparian land?**

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We believe a number of bodies could assist in raising awareness including the NFU and CLA. S&TA could also assist as would many landowners also own riparian fishing rights.

**Q129. Do you believe that failure to maintain the flow of water through watercourses should be described in law as a statutory nuisance?**

Yes, our native fisheries need statutory protection from low flows, which can disrupt migrations, increase water temperature and reduce the ability of systems to dilute pollutants.

**Q131. Do you agree that a new statutory nuisance should be created to tackle the risk of runoff flooding?**

Yes, this would be a useful way of holding those responsible for creating run-off risk accountable.

**Q138. Do you agree that local authorities should, in areas of high risk of run-off flooding, be given powers to impose restrictions on management practices and oblige landowners to make improvements to drainage in particular portions of land implicated in run-off flooding?**

Yes, it is imperative local authorities have the ability to manage local landscapes to reduce runoff. Land managed reduce surface runoff will not only to protect peoples home and business, but to improve the quality of our aquatic systems, by reducing the diffuse pollution associated with storm runoff.

**Q143. What non-essential uses of water do you think should be restricted in order to save water in times of drought?**

We strongly support any actions that reduce water consumption, in both normal years and in droughts, so therefore strongly support non-essential uses of water being restricted during times of drought e.g. swimming pools, hosepipes, car washing, etc.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Paul Knight".

Paul Knight

Salmon and Trout Association Chief Executive, on behalf of the Salmon and Trout Association and Atlantic Salmon Trust

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